

House File 401

HOUSE FILE _____
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO HSB 20)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act renaming health-related examining boards as licensing
2 boards.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 1207HV 82
5 jr/je/5

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1 1 Section 1. Section 3.20, subsection 2, Code 2007, is
1 2 amended to read as follows:
1 3 2. The ~~examining licensing~~ board shall pursue a meaningful
1 4 examination and enforcement procedure which upholds the level
1 5 of competency of the licensee to insure that the public
1 6 interest is protected.

1 7 Sec. 2. Section 7E.4, subsection 2, Code 2007, is amended
1 8 to read as follows:

1 9 2. a. "Board" means a policymaking ~~or rulemaking~~ body
1 10 that has the power to hear contested cases.

1 11 b. ~~A policymaking body that has powers for both rulemaking
1 12 and hearing contested cases shall be termed a "board".~~

1 13 "Board" includes a professional licensing board which sets
1 14 standards of professional competence and conduct for the
1 15 profession or occupation under its supervision, which may
1 16 prepare and grade the examinations of prospective new
1 17 practitioners when authorized by law, which may issue licenses
1 18 when authorized by law, which investigates complaints of
1 19 alleged unprofessional conduct, and which performs other
1 20 functions assigned to it by law.

1 21 Sec. 3. Section 7E.4, subsection 8, Code 2007, is amended
1 22 by striking the subsection.

1 23 Sec. 4. Section 8A.101, subsection 1, unnumbered paragraph
1 24 1, Code 2007, is amended to read as follows:

1 25 "Agency" or "state agency" means a unit of state
1 26 government, which is an authority, board, commission,
1 27 committee, council, department, ~~examining or licensing~~ board,
1 28 or independent agency as defined in section 7E.4, including
1 29 but not limited to each principal central department
1 30 enumerated in section 7E.5. However, "agency" or "state
1 31 agency" does not mean any of the following:

1 32 Sec. 5. Section 8F.2, subsection 1, Code 2007, is amended
1 33 to read as follows:

1 34 1. "Agency" means a unit of state government, which is an
1 35 authority, board, commission, committee, council, department,
2 1 ~~examining or licensing~~ board, or independent agency as defined
2 2 in section 7E.4, including but not limited to each principal
2 3 central department enumerated in section 7E.5. However,
2 4 "agency" does not mean the Iowa public employees' retirement
2 5 system created under chapter 97B, the public broadcasting
2 6 division of the department of education created under section
2 7 256.81, the statewide fire and police retirement system
2 8 created under chapter 411, or an agricultural commodity
2 9 promotion board subject to a producer referendum.

2 10 Sec. 6. Section 10A.402, subsection 1, Code 2007, is
2 11 amended to read as follows:

2 12 1. Investigations relative to the practice of regulated
2 13 professions and occupations, except those within the
2 14 jurisdiction of the board of ~~medical examiners~~ medicine, the
2 15 board of pharmacy ~~examiners~~, the board of ~~dental examiners~~
2 16 dentistry, and the board of nursing.

2 17 Sec. 7. Section 80.33, Code 2007, is amended to read as
2 18 follows:

2 19 80.33 ACCESS TO DRUG RECORDS BY PEACE OFFICERS.

2 20 A person required by law to keep records, and a carrier
2 21 maintaining records with respect to any shipment containing
2 22 any controlled or counterfeit substances shall, upon request
2 23 of an authorized peace officer of the department, designated
2 24 by the commissioner, permit such peace officer at reasonable
2 25 times to have access to and copy such records. For the
2 26 purpose of examining and verifying such records, an authorized
2 27 peace officer of the department, designated by the
2 28 commissioner, may enter at reasonable times any place or
2 29 vehicle in which any controlled or counterfeit substance is
2 30 held, manufactured, dispensed, compounded, processed, sold,
2 31 delivered, or otherwise disposed of and inspect such place or
2 32 vehicle and the contents of such place or vehicle. For the
2 33 purpose of enforcing laws relating to controlled or
2 34 counterfeit substances, and upon good cause shown, a peace
2 35 officer of the department shall be allowed to inspect audits
3 1 and records in the possession of the ~~state~~ board of pharmacy
3 2 ~~examiners~~.

3 3 Sec. 8. Section 124.101, subsection 3, Code 2007, is
3 4 amended to read as follows:

3 5 3. "Board" means the ~~state~~ board of pharmacy ~~examiners~~.

3 6 Sec. 9. Section 124.204, subsection 4, paragraph m, Code
3 7 2007, is amended to read as follows:

3 8 m. Marijuana, except as otherwise provided by rules of the
3 9 board of ~~pharmacy examiners~~ for medicinal purposes.

3 10 Sec. 10. Section 124.204, subsection 4, paragraph u,
3 11 unnumbered paragraph 1, Code 2007, is amended to read as
3 12 follows:

3 13 Tetrahydrocannabinols, except as otherwise provided by
3 14 rules of the board of ~~pharmacy examiners~~ for medicinal
3 15 purposes. Synthetic equivalents of the substances contained
3 16 in the plant, or in the resinous extractives of Cannabis sp.,
3 17 and synthetic substances, derivatives, and their isomers with
3 18 similar chemical structure and pharmacological activity such
3 19 as the following:

3 20 Sec. 11. Section 124.204, subsection 7, Code 2007, is
3 21 amended to read as follows:

3 22 7. EXCLUSIONS. This section does not apply to marijuana,
3 23 tetrahydrocannabinols or chemical derivatives of
3 24 tetrahydrocannabinol when utilized for medicinal purposes
3 25 pursuant to rules of the ~~state~~ board of ~~pharmacy examiners~~.

3 26 Sec. 12. Section 124.206, subsection 7, paragraph a, Code
3 27 2007, is amended to read as follows:

3 28 a. Marijuana when used for medicinal purposes pursuant to
3 29 rules of the board of ~~pharmacy examiners~~.

3 30 Sec. 13. Section 124.206, subsection 8, Code 2007, is
3 31 amended to read as follows:

3 32 8. The board of ~~pharmacy examiners~~, by rule, may except
3 33 any compound, mixture, or preparation containing any stimulant
3 34 listed in subsection 4 from the application of all or any part
3 35 of this chapter if the compound, mixture, or preparation
4 1 contains one or more active medicinal ingredients not having a
4 2 stimulant effect on the central nervous system, and if the
4 3 admixtures are included in such combinations, quantity,
4 4 proportion, or concentration as to vitiate the potential for
4 5 abuse of the substances which have a stimulant or depressant
4 6 effect on the central nervous system.

4 7 Sec. 14. Section 124A.2, subsection 4, Code 2007, is
4 8 amended to read as follows:

4 9 4. "Imitation controlled substance" means a substance
4 10 which is not a controlled substance but which by color, shape,
4 11 size, markings, and other aspects of dosage unit appearance,
4 12 and packaging or other factors, appears to be or resembles a
4 13 controlled substance.

4 14 The ~~state~~ board of pharmacy ~~examiners~~ may designate a
4 15 substance as an imitation controlled substance pursuant to the
4 16 board's rulemaking authority and in accordance with chapter
4 17 17A.

4 18 Sec. 15. Section 124A.3, unnumbered paragraph 1, Code
4 19 2007, is amended to read as follows:

4 20 When a substance has not been designated as an imitation
4 21 controlled substance by the ~~state~~ board of pharmacy ~~examiners~~
4 22 and when dosage unit appearance alone does not establish that
4 23 a substance is an imitation controlled substance the following
4 24 factors may be considered in determining whether the substance
4 25 is an imitation controlled substance:

4 26 Sec. 16. Section 124B.1, Code 2007, subsection 1, is
4 27 amended to read as follows:

4 28 1. "Board" means the board of pharmacy ~~examiners~~.

4 29 Sec. 17. Section 126.2, subsection 3, Code 2007, is

4 30 amended to read as follows:

4 31 3. "Board" means the board of pharmacy ~~examiners~~.

4 32 Sec. 18. Section 135.11, subsection 9, Code 2007, is

4 33 amended to read as follows:

4 34 9. Exercise sole jurisdiction over the disposal and
4 35 transportation of the dead bodies of human beings and
5 1 prescribe the methods to be used in preparing such bodies for
5 2 disposal and transportation. However, the department may
5 3 approve a request for an exception to the application of
5 4 specific embalming and disposition rules adopted pursuant to
5 5 this subsection if such rules would otherwise conflict with
5 6 tenets and practices of a recognized religious denomination to
5 7 which the deceased individual adhered or of which denomination
5 8 the deceased individual was a member. The department shall
5 9 inform the board of mortuary science ~~examiners~~ of any such
5 10 approved exception which may affect services provided by a
5 11 funeral director licensed pursuant to chapter 156.

5 12 Sec. 19. Section 135.11A, Code 2007, is amended to read as
5 13 follows:

5 14 135.11A PROFESSIONAL LICENSURE DIVISION == OTHER LICENSING
5 15 BOARDS == EXPENSES == FEES.

5 16 There shall be a professional licensure division within the
5 17 department of public health. Each board of ~~examiners~~

5 18 ~~specified~~ under chapter 147 or under the administrative

5 19 authority of the department, except the ~~state~~ board of
5 20 nursing, ~~state~~ board of ~~medical examiners~~ medicine, ~~state~~
5 21 board of ~~dental examiners~~ dentistry, and ~~state~~ board of
5 22 pharmacy ~~examiners~~, shall receive administrative and clerical
5 23 support from the division and may not employ its own support
5 24 staff for administrative and clerical duties.

5 25 The professional licensure division and the licensing
5 26 boards may expend funds in addition to amounts budgeted, if
5 27 those additional expenditures are directly the result of
5 28 actual examination and exceed funds budgeted for examinations.
5 29 Before the division or a licensing board expends or encumbers
5 30 an amount in excess of the funds budgeted for examinations,
5 31 the director of the department of management shall approve the
5 32 expenditure or encumbrance. Before approval is given, the
5 33 department of management shall determine that the examination
5 34 expenses exceed the funds budgeted by the general assembly to
5 35 the division or board and the division or board does not have
6 1 other funds from which examination expenses can be paid. Upon
6 2 approval of the department of management, the division or
6 3 licensing board may expend and encumber funds for excess
6 4 examination expenses. The amounts necessary to fund the
6 5 excess examination expenses shall be collected as fees from
6 6 additional examination applicants and shall be treated as
6 7 repayment receipts as defined in section 8.2.

6 8 Sec. 20. Section 135.24, subsection 2, paragraph a, Code
6 9 2007, is amended to read as follows:

6 10 a. Procedures for registration of health care providers
6 11 deemed qualified by the board of ~~medical examiners~~ medicine,
6 12 the board of physician ~~assistant examiners~~ assistants, the
6 13 board of ~~dental examiners~~ dentistry, the board of nursing, the
6 14 board of chiropractic ~~examiners~~, the board of psychology
6 15 ~~examiners~~, the board of social work ~~examiners~~, the board of
6 16 behavioral science ~~examiners~~, the board of pharmacy ~~examiners~~,
6 17 the board of optometry ~~examiners~~, the board of podiatry
6 18 ~~examiners~~, the board of physical and occupational therapy
6 19 ~~examiners~~, the ~~state~~ board for respiratory care, and the Iowa
6 20 department of public health, as applicable.

6 21 Sec. 21. Section 135.31, Code 2007, is amended to read as
6 22 follows:

6 23 135.31 LOCATION OF BOARDS == RULEMAKING.

6 24 The offices for the ~~state~~ board of ~~medical examiners~~
6 25 medicine, the ~~state~~ board of pharmacy ~~examiners~~, the ~~state~~
6 26 board of nursing, and the ~~state~~ board of ~~dental examiners~~
6 27 dentistry shall be located within the department of public
6 28 health. The individual boards shall have policymaking and
6 29 rulemaking authority.

6 30 Sec. 22. Section 135M.3, subsection 1, Code 2007, is
6 31 amended to read as follows:

6 32 1. The department, in cooperation with the board of
6 33 pharmacy ~~examiners~~, may establish and maintain a prescription
6 34 drug donation repository program under which any person may
6 35 donate prescription drugs and supplies for use by an
7 1 individual who meets eligibility criteria specified by the
7 2 department by rule. The department may contract with a third
7 3 party to implement and administer the program.

7 4 Sec. 23. Section 136C.3, subsection 2, unnumbered
7 5 paragraph 1, Code 2007, is amended to read as follows:

7 6 Establish minimum training standards including continuing
7 7 education requirements, and administer examinations and
7 8 disciplinary procedures for operators of radiation machines
7 9 and users of radioactive materials. A state of Iowa license
7 10 to practice medicine, osteopathy, chiropractic, podiatry,
7 11 dentistry, dental hygiene, or veterinary medicine, or
7 12 licensure as a physician assistant pursuant to chapter 148C,
7 13 or certification by the board of ~~dental examiners~~ dentistry in
7 14 dental radiography, or by the board of podiatry ~~examiners~~ in
7 15 podiatric radiography, or enrollment in a program or course of
7 16 study approved by the Iowa department of public health which
7 17 includes the application of radiation to humans satisfies the
7 18 minimum training standards for operation of radiation machines
7 19 only.

7 20 Sec. 24. Section 139A.8, subsection 4, paragraph a, Code
7 21 2007, is amended to read as follows:

7 22 a. The applicant, or if the applicant is a minor, the
7 23 applicant's parent or legal guardian, submits to the admitting
7 24 official a statement signed by a physician, advanced
7 25 registered nurse practitioner, or physician assistant who is
7 26 licensed by the board of ~~medical examiners~~ medicine, board of
7 27 nursing, or board of physician ~~assistant examiners~~ assistants
7 28 that the immunizations required would be injurious to the
7 29 health and well-being of the applicant or any member of the
7 30 applicant's family.

7 31 Sec. 25. Section 139A.22, subsections 1, 3, 6, and 7, Code
7 32 2007, are amended to read as follows:

7 33 1. A hospital shall adopt procedures requiring the
7 34 establishment of protocols applicable on a case-by-case basis
7 35 to a health care provider determined to be infected with HIV
8 1 or HBV who ordinarily performs exposure-prone procedures as
8 2 determined by an expert review panel, within the hospital
8 3 setting. The protocols established shall be in accordance
8 4 with the recommendations issued by the centers for disease
8 5 control and prevention of the United States department of
8 6 health and human services. The expert review panel may be an
8 7 established committee of the hospital. The procedures may
8 8 provide for referral of the health care provider to the expert
8 9 review panel established by the department pursuant to
8 10 subsection 3 for establishment of the protocols. The
8 11 procedures shall require reporting noncompliance with the
8 12 protocols by a health care provider to the ~~examining~~ licensing
8 13 board with jurisdiction over the relevant health care
8 14 providers.

8 15 3. The department shall establish an expert review panel
8 16 to determine on a case-by-case basis under what circumstances,
8 17 if any, a health care provider determined to be infected with
8 18 HIV or HBV practicing outside the hospital setting or referred
8 19 to the panel by a hospital or health care facility may perform
8 20 exposure-prone procedures. If a health care provider
8 21 determined to be infected with HIV or HBV does not comply with
8 22 the determination of the expert review panel, the panel shall
8 23 report the noncompliance to the ~~examining~~ licensing board with
8 24 jurisdiction over the health care provider. A determination
8 25 of an expert review panel pursuant to this section is a final
8 26 agency action appealable pursuant to section 17A.19.

8 27 6. The board of ~~medical examiners~~ medicine, the board of
8 28 physician ~~assistant examiners~~ assistants, the board of
8 29 podiatry ~~examiners~~, the board of nursing, the board of ~~dental~~
8 30 ~~examiners~~ dentistry, and the board of optometry ~~examiners~~
8 31 shall require that licensees comply with the recommendations
8 32 issued by the centers for disease control and prevention of
8 33 the United States department of health and human services for
8 34 preventing transmission of human immunodeficiency virus and
8 35 hepatitis B virus to patients during exposure-prone invasive
9 1 procedures, with the recommendations of the expert review
9 2 panel established pursuant to subsection 3, with hospital
9 3 protocols established pursuant to subsection 1, and with
9 4 health care facility procedures established pursuant to
9 5 subsection 2, as applicable.

9 6 7. Information relating to the HIV status of a health care
9 7 provider is confidential and subject to the provisions of
9 8 section 141A.9. A person who intentionally or recklessly
9 9 makes an unauthorized disclosure of such information is
9 10 subject to a civil penalty of one thousand dollars. The
9 11 attorney general or the attorney general's designee may
9 12 maintain a civil action to enforce this section. Proceedings
9 13 maintained under this section shall provide for the anonymity
9 14 of the health care provider and all documentation shall be
9 15 maintained in a confidential manner. Information relating to
9 16 the HBV status of a health care provider is confidential and

9 17 shall not be accessible to the public. Information regulated
9 18 by this section, however, may be disclosed to members of the
9 19 expert review panel established by the department or a panel
9 20 established by hospital protocol under this section. The
9 21 information may also be disclosed to the appropriate ~~examining~~
9 22 licensing board by filing a report as required by this
9 23 section. The ~~examining licensing~~ board shall consider the
9 24 report a complaint subject to the confidentiality provisions
9 25 of section 272C.6. A licensee, upon the filing of a formal
9 26 charge or notice of hearing by the ~~examining licensing~~ board
9 27 based on such a complaint, may seek a protective order from
9 28 the board.

9 29 Sec. 26. Section 147.1, subsection 2, paragraphs b, c, and
9 30 f, Code 2007, are amended to read as follows:

9 31 b. ~~"Examining board"~~ "Board" shall mean one of the boards
9 32 enumerated in section 147.13 or any other board established in
9 33 this subtitle which is appointed by the governor to give
9 34 examinations to license applicants for licenses and impose
9 35 licensee discipline as authorized by law.

10 1 c. "Licensed" or "certified" when applied to a physician
10 2 and surgeon, podiatric physician, osteopath, osteopathic
10 3 physician and surgeon, physician assistant, psychologist or
10 4 associate psychologist, chiropractor, nurse, dentist, dental
10 5 hygienist, optometrist, speech pathologist, audiologist,
10 6 pharmacist, physical therapist, occupational therapist,
10 7 respiratory care practitioner, practitioner of cosmetology
10 8 arts and sciences, practitioner of barbering, funeral
10 9 director, dietitian, marital and family therapist, mental
10 10 health counselor, social worker, massage therapist, athletic
10 11 trainer, acupuncturist, or ~~interpreter for the hearing~~
10 12 ~~impaired sign language interpreter or transliterator~~ means a
10 13 person licensed under this subtitle.

10 14 f. "Profession" means medicine and surgery, podiatry,
10 15 osteopathy, osteopathic medicine and surgery, practice as a
10 16 physician assistant, psychology, chiropractic, nursing,
10 17 dentistry, dental hygiene, optometry, speech pathology,
10 18 audiology, pharmacy, physical therapy, occupational therapy,
10 19 respiratory care, cosmetology arts and sciences, barbering,
10 20 mortuary science, marital and family therapy, mental health
10 21 counseling, social work, dietetics, massage therapy, athletic
10 22 training, acupuncture, or ~~interpreting for the hearing~~
10 23 ~~impaired sign language interpreting or transliterating.~~

10 24 Sec. 27. Section 147.1, subsection 2, paragraph e,
10 25 subparagraph (4), Code 2007, is amended to read as follows:

10 26 (4) ~~An examining~~ A board enumerated in section 147.13 or
10 27 any other board established in this subtitle which is
10 28 appointed by the governor to license applicants and impose
10 29 licensee discipline as authorized by law.

10 30 Sec. 28. Section 147.2, unnumbered paragraph 1, Code 2007,
10 31 is amended to read as follows:

10 32 A person shall not engage in the practice of medicine and
10 33 surgery, podiatry, osteopathy, osteopathic medicine and
10 34 surgery, psychology, chiropractic, physical therapy, nursing,
10 35 dentistry, dental hygiene, optometry, speech pathology,
11 1 audiology, occupational therapy, respiratory care, pharmacy,
11 2 cosmetology, barbering, social work, dietetics, marital and
11 3 family therapy or mental health counseling, massage therapy,
11 4 mortuary science, athletic training, acupuncture, or
11 5 ~~interpreting for the hearing~~ impaired sign language
11 6 interpreting or transliterating, or shall not practice as a

11 7 physician assistant as defined in the following chapters of
11 8 this subtitle, unless the person has obtained from the
11 9 department a license for that purpose.

11 10 Sec. 29. Section 147.5, unnumbered paragraph 1, Code 2007,
11 11 is amended to read as follows:

11 12 Every license to practice a profession shall be in the form
11 13 of a certificate under the seal of the department, signed by
11 14 the director of public health. Such license shall be issued
11 15 in the name of the ~~examining licensing~~ board which conducts
11 16 examinations for that particular profession.

11 17 Sec. 30. Section 147.11, Code 2007, is amended to read as
11 18 follows:

11 19 147.11 REINSTATEMENT.

11 20 Any licensee who allows the license to lapse by failing to
11 21 renew the same, as provided in section 147.10, may be
11 22 reinstated without examination upon recommendation of the
11 23 ~~examining licensing~~ board for the licensee's profession and
11 24 upon payment of the renewal fees then due.

11 25 Sec. 31. Section 147.12, Code 2007, is amended to read as
11 26 follows:

11 27 147.12 ~~EXAMINING~~ HEALTH PROFESSION BOARDS.

11 28 For the purpose of giving examinations to applicants for
11 29 licenses to practice the professions for which licenses are
11 30 required by this subtitle, the governor shall appoint, subject
11 31 to confirmation by the senate, a board of ~~examiners~~ for each
11 32 of the professions. The board members shall not be required
11 33 to be members of professional societies or associations
11 34 composed of members of their professions.

11 35 If a person who has been appointed by the governor to serve
12 1 on an ~~examining~~ a board has ever been disciplined in a
12 2 contested case by the board to which the person has been
12 3 appointed, all board complaints and statements of charges,
12 4 settlement agreements, findings of fact, and orders pertaining
12 5 to the disciplinary action shall be made available to the
12 6 senate committee to which the appointment is referred at the
12 7 committee's request before the full senate votes on the
12 8 person's appointment.

12 9 Sec. 32. Section 147.13, Code 2007, is amended to read as
12 10 follows:

12 11 147.13 DESIGNATION OF BOARDS.

12 12 The ~~examining~~ boards provided in section 147.12 shall be
12 13 designated as follows:

12 14 1. For medicine and surgery, osteopathy, osteopathic
12 15 medicine and surgery, and acupuncture, ~~medical examiners the~~
12 16 ~~board of medicine.~~

12 17 2. For physician assistants, ~~the board of physician~~
12 18 ~~assistant examiners assistants.~~

12 19 3. For psychology, ~~the board of psychology~~ ~~examiners.~~

12 20 4. For podiatry, ~~the board of podiatry~~ ~~examiners.~~

12 21 5. For chiropractic, ~~the board of chiropractic~~ ~~examiners.~~

12 22 6. For physical therapists and occupational therapists,
12 23 ~~the board of physical and occupational therapy~~ ~~examiners.~~

12 24 7. For nursing, ~~the board of nursing.~~

12 25 8. For dentistry, dental hygiene, and dental assisting,
12 26 ~~dental examiners the board of dentistry.~~

12 27 9. For optometry, ~~the board of optometry~~ ~~examiners.~~

12 28 10. For speech pathology and audiology, ~~the board of~~
12 29 ~~speech pathology and audiology~~ ~~examiners.~~

12 30 11. For cosmetology arts and sciences, ~~the board of~~
12 31 ~~cosmetology arts and sciences~~ ~~examiners.~~

12 32 12. For barbering, ~~barber examiners the board of~~
12 33 ~~barbering.~~

12 34 13. For pharmacy, ~~the board of pharmacy~~ ~~examiners.~~

12 35 14. For mortuary science, ~~the board of mortuary science~~
13 1 ~~examiners.~~

13 2 15. For social workers, ~~the board of social work~~
13 3 ~~examiners.~~

13 4 16. For marital and family therapists and mental health
13 5 counselors, ~~the board of behavioral science~~ ~~examiners.~~

13 6 17. For dietetics, ~~dietetic examiners the board of~~
13 7 ~~dietetics.~~

13 8 18. For respiratory care therapists, ~~the board of~~
13 9 ~~respiratory care~~ ~~examiners.~~

13 10 19. For massage therapists, ~~the board of massage therapy~~
13 11 ~~examiners.~~

13 12 20. For athletic trainers, ~~the board of athletic training~~
13 13 ~~examiners.~~

13 14 21. For interpreters, ~~interpreter for the hearing impaired~~
13 15 ~~examiners the board of sign language interpreters and~~
13 16 ~~translitterators.~~

13 17 22. For hearing aids, ~~the board of hearing aid dispenser~~
13 18 ~~examiners dispensers.~~

13 19 23. For nursing home administrators, ~~the board of nursing~~
13 20 ~~home administrators~~ ~~examiners.~~

13 21 Sec. 33. Section 147.14, Code 2007, is amended to read as
13 22 follows:

13 23 147.14 COMPOSITION OF BOARDS.

13 24 The ~~boards of examiners board members~~ shall consist of the
13 25 following:

13 26 1. For barbering, three members licensed to practice
13 27 barbering, and two members who are not licensed to practice
13 28 barbering and who shall represent the general public. A
13 29 quorum shall consist of a majority of the members of the
13 30 board.

13 31 2. For ~~medical examiners medicine~~, five members licensed
13 32 to practice medicine and surgery, two members licensed to
13 33 practice osteopathic medicine and surgery, and three members
13 34 not licensed to practice either medicine and surgery or
13 35 osteopathic medicine and surgery, and who shall represent the
14 1 general public. A majority of members of the board
14 2 constitutes a quorum.

14 3 3. For ~~the board of~~ nursing, four registered nurses, two

14 4 of whom shall be actively engaged in practice, two of whom
14 5 shall be nurse educators from nursing education programs; of
14 6 these, one in higher education and one in area community and
14 7 vocational=technical registered nurse education; one licensed
14 8 practical nurse actively engaged in practice; and two members
14 9 not registered nurses or licensed practical nurses and who
14 10 shall represent the general public. The representatives of
14 11 the general public shall not be members of health care
14 12 delivery systems. A majority of the members of the board
14 13 constitutes a quorum.

14 14 4. For ~~dental examiners dentistry~~, five members ~~shall be~~
14 15 licensed to practice dentistry, two members ~~shall be~~ licensed
14 16 to practice dental hygiene, and two members not licensed to
14 17 practice dentistry or dental hygiene and who shall represent
14 18 the general public. A majority of the members of the board
14 19 shall constitute a quorum. No member of the dental faculty of
14 20 the school of dentistry at the state university of Iowa shall
14 21 be eligible to be appointed. ~~Beginning January 1, 2000,~~
~~14 22 persons~~ Persons appointed to the board as dental hygienist
14 23 members shall not be employed by or receive any form of
14 24 remuneration from a dental or dental hygiene educational
14 25 institution. The two dental hygienist board members and one
14 26 dentist board member shall constitute a dental hygiene
14 27 committee of the board as provided in section 153.33A.

14 28 5. For pharmacy ~~examiners~~, five members licensed to
14 29 practice pharmacy and two members who are not licensed to
14 30 practice pharmacy and who shall represent the general public.
14 31 A majority of the members of the board shall constitute a
14 32 quorum.

14 33 6. For optometry ~~examiners~~, five members licensed to
14 34 practice optometry and two members who are not licensed to
14 35 practice optometry and who shall represent the general public.
15 1 A majority of the members of the board shall constitute a
15 2 quorum.

15 3 7. For psychology ~~examiners~~, five members who are licensed
15 4 to practice psychology and two members not licensed to
15 5 practice psychology and who shall represent the general
15 6 public. Of the five members who are licensed to practice
15 7 psychology, one member shall be primarily engaged in graduate
15 8 teaching in psychology, two members shall be persons who
15 9 render services in psychology, one member shall represent
15 10 areas of applied psychology and may be affiliated with
15 11 training institutions and shall devote a major part of the
15 12 member's time to rendering service in psychology, and one
15 13 member shall be primarily engaged in research psychology. A
15 14 majority of the members of the board constitutes a quorum.

15 15 8. For chiropractic ~~examiners~~, five members licensed to
15 16 practice chiropractic and two members who are not licensed to
15 17 practice chiropractic and who shall represent the general
15 18 public. A majority of the members of the board shall
15 19 constitute a quorum.

15 20 9. For speech pathology and audiology ~~examiners~~, five
15 21 members licensed to practice speech pathology or audiology at
15 22 least two of which shall be licensed to practice speech
15 23 pathology and at least two of which shall be licensed to
15 24 practice audiology, and two members who are not licensed to
15 25 practice speech pathology or audiology and who shall represent
15 26 the general public. A majority of the members of the board
15 27 shall constitute a quorum.

15 28 10. For physical therapy and occupational therapy, three
15 29 members licensed to practice physical therapy, two members
15 30 licensed to practice occupational therapy, and two members who
15 31 are not licensed to practice physical therapy or occupational
15 32 therapy and who shall represent the general public. A quorum
15 33 shall consist of a majority of the members of the board.

15 34 11. For ~~dietetic examiners dietetics~~, one licensed
15 35 dietitian representing the approved or accredited dietetic
16 1 education programs, one licensed dietitian representing
16 2 clinical dietetics in hospitals, one licensed dietitian
16 3 representing community nutrition services and two members who
16 4 are not licensed dietitians and who shall represent the
16 5 general public. A majority of the members of the board
16 6 constitutes a quorum.

16 7 12. For the board of physician ~~assistant examiners~~
16 8 assistants, three members licensed to practice as physician
16 9 assistants, at least two of whom practice in counties with a
16 10 population of less than fifty thousand, one member licensed to
16 11 practice medicine and surgery who supervises a physician
16 12 assistant, one member licensed to practice osteopathic
16 13 medicine and surgery who supervises a physician assistant, and
16 14 two members who are not licensed to practice either medicine

16 15 and surgery or osteopathic medicine and surgery or licensed as
16 16 a physician assistant and who shall represent the general
16 17 public. At least one of the physician members shall be in
16 18 practice in a county with a population of less than fifty
16 19 thousand. A majority of members of the board constitutes a
16 20 quorum.

16 21 13. For behavioral science ~~examiners~~, three members
16 22 licensed to practice marital and family therapy, one of whom
16 23 shall be employed in graduate teaching, training, or research
16 24 in marital and family therapy and two of whom shall be
16 25 practicing marital and family therapists; three members
16 26 licensed to practice mental health counseling, one of whom
16 27 shall be employed in graduate teaching, training, or research
16 28 in mental health counseling and two of whom shall be
16 29 practicing mental health counselors; and three members who are
16 30 not licensed to practice marital and family therapy or mental
16 31 health counseling and who shall represent the general public.
16 32 A majority of the members of the board constitutes a quorum.

16 33 14. For cosmetology arts and sciences ~~examiners~~, a total
16 34 of seven members, three who are licensed cosmetologists, one
16 35 who is a licensed electrologist, esthetician, or nail
17 1 technologist, one who is a licensed instructor of cosmetology
17 2 arts and sciences at a public or private school and who does
17 3 not own a school of cosmetology arts and sciences, and two who
17 4 are not licensed in a practice of cosmetology arts and
17 5 sciences and who shall represent the general public.

17 6 15. For respiratory care, one licensed physician with
17 7 training in respiratory care, three respiratory care
17 8 practitioners who have practiced respiratory care for a
17 9 minimum of six years immediately preceding their appointment
17 10 to the board and who are recommended by the society for
17 11 respiratory care, and one member not licensed to practice
17 12 medicine or respiratory care who shall represent the general
17 13 public. A majority of members of the board constitutes a
17 14 quorum.

17 15 16. For mortuary science ~~examiners~~, four members licensed
17 16 to practice mortuary science, one member owning, operating, or
17 17 employed by a crematory, and two members not licensed to
17 18 practice mortuary science and not a crematory owner, operator,
17 19 or employee who shall represent the general public. A
17 20 majority of the members of the board constitutes a quorum.

17 21 17. For massage therapists, four members licensed to
17 22 practice massage therapy and three members who are not
17 23 licensed to practice massage therapy and who shall represent
17 24 the general public. A majority of the members of the board
17 25 constitutes a quorum.

17 26 18. For athletic trainers, three members licensed to
17 27 practice athletic training, three members licensed to practice
17 28 medicine and surgery, and one member not licensed to practice
17 29 athletic training or medicine and surgery and who shall
17 30 represent the general public. A majority of the members of
17 31 the board constitutes a quorum.

17 32 19. For podiatry ~~examiners~~, five members licensed to
17 33 practice podiatry and two members who are not licensed to
17 34 practice podiatry and who shall represent the general public.
17 35 A majority of the members of the board shall constitute a
18 1 quorum.

18 2 20. For social work ~~examiners~~, a total of seven members,
18 3 five who are licensed to practice social work, with at least
18 4 one from each of three levels of licensure described in
18 5 section 154C.3, subsection 1, two employed by a licensee under
18 6 chapter 237, and two who are not licensed social workers and
18 7 who shall represent the general public.

18 8 21. For sign language interpreting ~~for the hearing~~
~~impaired and transliterating~~, four members licensed to
18 10 practice interpreting and transliterating, three of whom shall
18 11 be practicing interpreters and transliterators at the time of
18 12 appointment to the board and at least one of whom is employed
18 13 in an educational setting; and three members who are consumers
18 14 of interpreting or transliterating services as defined in
18 15 section 154E.1, each of whom shall be deaf. A majority of
18 16 members of the board constitutes a quorum.

18 17 22. For hearing aid dispensers, three licensed hearing aid
dispensers and two members who are not licensed hearing aid
dispensers who shall represent the general public. A majority
of the members of the board constitutes a quorum.

18 21 23. For nursing home administrators, a total of nine
members: Four licensed nursing home administrators, one of
whom is the administrator of a nonproprietary nursing home;
three licensed members of any profession concerned with the
care and treatment of chronically ill or elderly patients who

18 26 are not nursing home administrators or nursing home owners;
18 27 and two members of the general public who are not licensed
18 28 under chapter 147, have no financial interest in any nursing
18 29 home, and who shall represent the general public. A majority
18 30 of the members of the board constitutes a quorum.

18 31 Sec. 34. Section 147.16, Code 2007, is amended to read as
18 32 follows:

18 33 147.16 ~~EXAMINERS~~ BOARD MEMBERS.

18 34 Each licensed ~~examiner~~ board member shall be actively
18 35 engaged in the practice or the instruction of the ~~examiner's~~
19 1 board member's profession and shall have been so engaged for a
19 2 period of five years just preceding the ~~examiner's~~ board
19 3 member's appointment, the last two of which shall be in this
19 4 state.

19 5 However, each licensed physician assistant member of the
19 6 board of physician ~~assistant examiners~~ assistants shall be
19 7 actively engaged in practice as a physician assistant and
19 8 shall have been so engaged for a period of three years just
19 9 preceding the member's appointment, the last year of which
19 10 shall be in this state.

19 11 Sec. 35. Section 147.18, Code 2007, is amended to read as
19 12 follows:

19 13 147.18 DISQUALIFICATIONS.

19 14 ~~No examiner~~ A board member shall not be connected in any
19 15 manner with any wholesale or jobbing house dealing in supplies
19 16 or have a financial interest in or be an instructor at a
19 17 proprietary school.

19 18 Sec. 36. Section 147.19, Code 2007, is amended to read as
19 19 follows:

19 20 147.19 TERMS OF OFFICE.

19 21 The board members shall serve three-year terms, which shall
19 22 commence and end as provided by section 69.19. Any vacancy in
19 23 the membership of ~~an examining~~ a board shall be filled by
19 24 appointment of the governor subject to senate confirmation. A
19 25 member shall serve no more than three terms or nine years.

19 26 Sec. 37. Section 147.20, Code 2007, is amended to read as
19 27 follows:

19 28 147.20 NOMINATION OF ~~EXAMINERS~~ BOARD MEMBERS.

19 29 The regular state association or society for each
19 30 profession may recommend the names of potential board members
19 31 to the governor, but the governor shall not be bound by the
19 32 recommendations.

19 33 Sec. 38. Section 147.22, Code 2007, is amended to read as
19 34 follows:

19 35 147.22 OFFICERS.

20 1 Each ~~examining~~ board shall organize annually and shall
20 2 select a chairperson and a secretary from its own membership.

20 3 Sec. 39. Section 147.24, Code 2007, is amended to read as
20 4 follows:

20 5 147.24 COMPENSATION.

20 6 Members of ~~an examining~~ a board shall receive actual
20 7 expenses for their duties as a member of the ~~examining~~ board.
20 8 Each member of each board may also be eligible to receive
20 9 compensation as provided in section 7E.6. The funds shall be
20 10 appropriated to the department and allocated to each ~~examining~~
20 11 board within the limits of funds.

20 12 Sec. 40. Section 147.25, unnumbered paragraphs 3 and 4,
20 13 Code 2007, are amended to read as follows:

20 14 ~~Examining boards~~ Boards collecting information necessary
20 15 for the division for records and statistics to carry out the
20 16 provisions of this section shall provide the department with
20 17 the information which may be gathered by means including, but
20 18 not limited to, questionnaires forwarded to applicants for a
20 19 license or renewal of a license.

20 20 In addition to any other fee provided by law, a fee may be
20 21 set by the respective ~~examining~~ boards for each license and
20 22 renewal of a license to practice a profession, which fee shall
20 23 be based on the annual cost of collecting information for use
20 24 by the department in the administration of the system of
20 25 health personnel statistics established by this section. The
20 26 fee shall be collected, transmitted to the treasurer of state,
20 27 and deposited in the general fund of the state in the manner
20 28 in which license and renewal fees of the respective
20 29 professions are collected, transmitted, and deposited in the
20 30 general fund.

20 31 Sec. 41. Section 147.26, Code 2007, is amended to read as
20 32 follows:

20 33 147.26 SUPPLIES AND EXAMINATION QUARTERS.

20 34 The department shall furnish each ~~examining~~ board with all
20 35 articles and supplies required for the public use and
21 1 necessary to enable ~~said~~ the board to perform the duties

21 2 imposed upon it by law. Such articles and supplies shall be
21 3 obtained by the department in the same manner in which the
21 4 regular supplies for the department are obtained and the cost
21 5 shall be assessed to the ~~examining~~ board. The director of the
21 6 department of administrative services shall furnish each
21 7 ~~examining~~ board with suitable quarters in which to conduct the
21 8 examination and the cost of the quarters shall be assessed to
21 9 the ~~examining~~ board.

21 10 Sec. 42. Section 147.28, Code 2007, is amended to read as
21 11 follows:

21 12 147.28 NATIONAL ORGANIZATION.

21 13 Each ~~examining~~ board may maintain a membership in the
21 14 national organization of the ~~state-examining~~ regulatory boards
21 15 of its profession to be paid from funds appropriated to the
21 16 board.

21 17 Sec. 43. Section 147.28A, Code 2007, is amended to read as
21 18 follows:

21 19 147.28A SCOPE OF PRACTICE REVIEW COMMITTEES == FUTURE

21 20 REPEAL.

21 21 1. The department shall utilize scope of practice review
21 22 committees to evaluate and make recommendations to the general
21 23 assembly and to the appropriate ~~examining~~ boards regarding all
21 24 of the following issues:

21 25 a. Requests from practitioners seeking to become newly
21 26 licensed health professionals or to establish their own
21 27 ~~examining~~ boards.

21 28 b. Requests from health professionals seeking to expand or
21 29 narrow the scope of practice of a health profession.

21 30 c. Unresolved administrative rulemaking disputes between
21 31 ~~examining~~ boards.

21 32 2. A scope of practice review committee established under
21 33 this section shall evaluate the issues specified in subsection
21 34 1 and make recommendations regarding proposed changes to the
21 35 general assembly based on the following standards and

22 1 guidelines:

22 2 a. The proposed change does not pose a significant new
22 3 danger to the public.

22 4 b. Enacting the proposed change will benefit the health,
22 5 safety, or welfare of the public.

22 6 c. The public cannot be effectively protected by other
22 7 more cost-effective means.

22 8 3. A scope of practice review committee shall be limited
22 9 to five members as follows:

22 10 a. One member representing the profession seeking
22 11 licensure, a new ~~examining~~ board, or a change in scope of
22 12 practice.

22 13 b. One member of the health profession directly impacted
22 14 by, or opposed to, the proposed change.

22 15 c. One impartial health professional who is not directly
22 16 or indirectly affected by the proposed change.

22 17 d. Two impartial members of the general public.

22 18 4. The department may contract with a school or college of
22 19 public health to assist in ~~implementing~~ administering this
22 20 section.

22 21 5. The department shall submit an annual progress report
22 22 to the governor and the general assembly by January 15 and
22 23 shall include any recommendations for legislative action as a
22 24 result of review committee activities.

22 25 6. The department shall adopt rules in accordance with
22 26 chapter 17A to ~~implement~~ administer this section.

22 27 7. This section is repealed July 1, 2007.

22 28 Sec. 44. Section 147.33, Code 2007, is amended to read as
22 29 follows:

22 30 147.33 PROFESSIONAL SCHOOLS.

22 31 As a basis for such action on the part of the ~~examining~~
22 32 board, the registrar of the state university of Iowa and the
22 33 dean of the professional school of ~~said institution~~ which
22 34 teaches the profession for which ~~said the~~ board gives license
22 35 examinations, shall supply such data relative to any such
23 1 professional school as ~~said the~~ board may request.

23 2 Sec. 45. Section 147.34, Code 2007, is amended to read as
23 3 follows:

23 4 147.34 EXAMINATIONS.

23 5 Examinations for each profession licensed under this
23 6 subtitle shall be conducted at least one time per year at such
23 7 time as the department may fix in cooperation with each
23 8 ~~examining~~ board. Examinations may be given at the state
23 9 university of Iowa at the close of each school year for
23 10 professions regulated by this subtitle and examinations may be
23 11 given at other schools located in the state at which any of
23 12 the professions regulated by this subtitle are taught. At

23 13 least one session of each ~~examining~~ board shall be held
23 14 annually at the seat of government and the locations of other
23 15 sessions shall be determined by the ~~examining~~ board, unless
23 16 otherwise ordered by the department. Applicants who fail to
23 17 pass the examination once shall be allowed to take the
23 18 examination at the next scheduled time. Thereafter,
23 19 applicants shall be allowed to take the examination at the
23 20 discretion of the board. Examinations may be given by ~~an~~
~~23 21 examining~~ a board which are prepared and scored by persons
23 22 outside the state, and ~~examining~~ boards may contract for such
23 23 services. ~~An examining~~ A board may make an agreement with
23 24 ~~examining~~ boards in other states for administering a uniform
23 25 examination. An applicant who has failed an examination may
23 26 request in writing information from the ~~examining~~ board
23 27 concerning the examination grade and subject areas or
23 28 questions which the applicant failed to answer correctly,
23 29 except that if the ~~examining~~ board administers a uniform,
23 30 standardized examination, the ~~examining~~ board shall only be
23 31 required to provide the examination grade and such other
23 32 information concerning the applicant's examination results
23 33 which are available to the ~~examining~~ board.

23 34 Sec. 46. Section 147.35, Code 2007, is amended to read as
23 35 follows:

24 1 147.35 NAMES OF ELIGIBLE CANDIDATES.

24 2 Prior to each examination the department shall transmit to
24 3 each ~~examining~~ board the list of candidates who are eligible
24 4 to take the examination given by such board. In making up
24 5 such list the department may call upon any ~~examining~~ board, or
24 6 any member thereof, for information relative to the
24 7 eligibility of any applicant.

24 8 Sec. 47. Section 147.36, unnumbered paragraph 1, Code
24 9 2007, is amended to read as follows:

24 10 Each ~~examining~~ board shall establish rules for:

24 11 Sec. 48. Section 147.37, Code 2007, is amended to read as
24 12 follows:

24 13 147.37 IDENTITY OF CANDIDATE CONCEALED.

24 14 All examinations in theory shall be in writing, and the
24 15 identity of the person taking the same shall not be disclosed
24 16 upon the examination papers in such a way as to enable the
24 17 members of the ~~examining~~ board to know by whom written until
24 18 after the papers have been passed upon. In examinations in
24 19 practice the identity of the candidate shall also be concealed
24 20 as far as possible.

24 21 Sec. 49. Section 147.39, Code 2007, is amended to read as
24 22 follows:

24 23 147.39 CLERK.

24 24 Upon the request of any ~~examining~~ board, the department
24 25 shall detail some employee to act as clerk of any examination
24 26 given by ~~said examining the~~ board. Such clerk shall have
24 27 charge of the candidates during the examination and perform
24 28 such other duties as the ~~examining~~ board may direct. If the
24 29 duties of such clerk are performed away from the seat of
24 30 government, the clerk shall receive necessary travel and
24 31 expenses, which shall be paid from the appropriations to the
24 32 ~~examining~~ board in the same manner in which other similar
24 33 expenses are paid. The department shall be reimbursed by the
24 34 ~~examining~~ board for costs incurred.

24 35 Sec. 50. Section 147.40, Code 2007, is amended to read as
25 1 follows:

25 2 147.40 CERTIFICATION OF APPLICANTS.

25 3 Every examination shall be passed upon in accordance with
25 4 the established rules of the ~~examining~~ board and shall be
25 5 satisfactory to at least a majority of the professional
25 6 members of the board. In the case of the board of ~~dental~~
~~25 7 examiners dentistry~~, only licensed dentist members of the
25 8 board shall determine whether an applicant has passed the
25 9 examination to practice as a licensed dentist. After each
25 10 examination, the ~~examining~~ board shall certify the names of
25 11 the successful applicants to the department in the manner
25 12 prescribed by it. The department shall then issue the proper
25 13 license.

25 14 Sec. 51. Section 147.41, unnumbered paragraph 1, Code
25 15 2007, is amended to read as follows:

25 16 Any ~~examining~~ board may provide for a partial examination
25 17 for a license to practice a profession to any applicant who
25 18 has completed a portion of the professional course. For such
25 19 purpose ~~said the~~ board shall establish by rule:

25 20 Sec. 52. Section 147.42, Code 2007, is amended to read as
25 21 follows:

25 22 147.42 RULES RELATIVE TO PARTIAL EXAMINATIONS.

25 23 ~~In case any examining~~ If a board ~~shall provide~~ provides for

25 24 partial examinations under section 147.41, the department
25 25 shall adopt rules establishing:

25 26 1. The portion of the license fee fixed in this chapter
25 27 which shall be paid for a partial examination.

25 28 2. The credentials which shall be presented to the
25 29 department by an applicant showing the applicant's
25 30 qualifications to take such examination.

25 31 3. The method of certifying the list of the eligible
25 32 applicants for such examination to the ~~proper examining~~
25 33 appropriate board.

25 34 4. The method of certifying back to the department the
25 35 list of applicants who successfully pass such examination.

26 1 5. The method of keeping the records of such applicants
26 2 for use at the time of completing the examination for a
26 3 license.

26 4 6. The credentials which shall be presented to the
26 5 department by such an applicant upon the completion of the
26 6 professional course.

26 7 7. The method of certifying such applicant to the proper
26 8 ~~examining~~ board for the remainder of the examination.

26 9 8. Such other matters of procedure as are necessary to
26 10 carry into effect section 147.41.

26 11 Sec. 53. Section 147.44, Code 2007, is amended to read as
26 12 follows:

26 13 147.44 AGREEMENTS.

26 14 For the purpose of recognizing licenses which have been
26 15 issued in other states to practice any profession for which a
26 16 license is required by this subtitle, the department shall
26 17 enter into a reciprocal agreement with every state which is
26 18 certified to ~~it the department~~ by the ~~proper examining~~
26 19 appropriate board under the provisions of section 147.45 and
26 20 with which this state does not have an existing agreement at
26 21 the time of such certification.

26 22 Sec. 54. Section 147.45, Code 2007, is amended to read as
26 23 follows:

26 24 147.45 STATES ENTITLED TO RECIPROCAL RELATIONS.

26 25 The department shall at least once each year lay before the
26 26 ~~proper examining appropriate~~ board the requirements of the
26 27 several states for a license to practice the profession for
26 28 which ~~such examining the~~ board conducts examinations for
26 29 licenses in this state. ~~Said examining~~ The board shall
26 30 immediately examine such requirements and after making such
26 31 other inquiries as it deems necessary, shall certify to the
26 32 department the states having substantially equivalent
26 33 requirements to those existing in this state for that
26 34 particular profession and with which ~~said examining the~~ board
26 35 desires this state to enter into reciprocal relations.

27 1 Sec. 55. Section 147.46, subsection 2, Code 2007, is
27 2 amended to read as follows:

27 3 2. SPECIAL CONDITIONS. When any ~~examining~~ board has
27 4 established by rule any special condition upon which
27 5 reciprocal agreements shall be entered into, as provided in
27 6 section 147.47, such condition shall be incorporated into the
27 7 reciprocal agreements negotiated with reference to licenses to
27 8 practice the professions for which ~~such examining the~~ board
27 9 conducts examinations.

27 10 Sec. 56. Section 147.47, Code 2007, is amended to read as
27 11 follows:

27 12 147.47 SPECIAL CONDITIONS.

27 13 ~~An examining~~ A board shall have power to provide by rule
27 14 that no reciprocal relation shall be entered into by the
27 15 department with any state with reference to licenses to
27 16 practice the profession for which ~~such examining the~~ board
27 17 conducts examinations, unless every person licensed in another
27 18 state when applying for a license to practice in this state
27 19 shall comply with one or both of the following conditions:

27 20 1. Furnish satisfactory proof to the department that the
27 21 person has been actively engaged in the practice of the
27 22 profession for a certain period of years to be fixed by ~~such~~
27 23 ~~examining the~~ board.

27 24 2. Pass a practical examination in the practice of the
27 25 person's particular profession as prescribed by ~~such examining~~
27 26 the board.

27 27 Sec. 57. Section 147.48, Code 2007, is amended to read as
27 28 follows:

27 29 147.48 TERMINATION OF AGREEMENTS.

27 30 ~~When if~~ If the requirements for a license in any state with
27 31 which this state has a reciprocal agreement are changed by any
27 32 law or rule of the authorities ~~therein in that state~~ so that
27 33 such requirements are no longer substantially as high as those
27 34 existing in this state, ~~then such the~~ agreement shall be

27 35 deemed terminated and licenses issued in ~~such that~~ state shall
28 1 not be recognized as a basis of granting a license in this
28 2 state until a new agreement has been negotiated. The fact of
28 3 such change shall be determined by the ~~proper examining~~
28 4 appropriate board and certified to the department for its
28 5 guidance in enforcing the provisions of this section.

28 6 Sec. 58. Section 147.49, Code 2007, is amended to read as
28 7 follows:

28 8 147.49 LICENSE OF ANOTHER STATE.

28 9 The department shall, upon presentation of a license to
28 10 practice a profession issued by the duly constituted authority
28 11 of another state, with which this state has established
28 12 reciprocal relations, and subject to the rules of the
28 13 ~~examining~~ board for such profession, license ~~said the~~
28 14 applicant to practice in this state, unless under the rules of
28 15 ~~said examining the~~ board a practical examination is required
28 16 ~~in such cases~~. The department may, upon the recommendation of
28 17 the ~~medical examiners~~ board of medicine, accept in lieu of the
28 18 examination prescribed in section 148.3 or section 150A.3 a
28 19 license to practice medicine and surgery or osteopathic
28 20 medicine and surgery, issued by the duly constituted authority
28 21 of another state, territory, or foreign country. Endorsement
28 22 may be accepted by the department in lieu of further written
28 23 examination without regard to the existence or nonexistence of
28 24 a reciprocal agreement, but shall not be in lieu of the
28 25 standards and qualifications prescribed by section 148.3 or
28 26 section 150A.3.

28 27 Sec. 59. Section 147.50, Code 2007, is amended to read as
28 28 follows:

28 29 147.50 PRACTICAL EXAMINATIONS.

28 30 If the rules of any ~~examining~~ board require an applicant
28 31 for a license under a reciprocal agreement to pass a practical
28 32 examination in the practice of the applicant's profession,
28 33 ~~then such the~~ applicant shall make application ~~therefore for~~
28 34 the license to the department upon a form provided by ~~it the~~
28 35 department.

29 1 Sec. 60. Section 147.53, Code 2007, is amended to read as
29 2 follows:

29 3 147.53 POWER TO ADOPT RULES.

29 4 The department and each ~~examining~~ board shall ~~have power to~~
29 5 ~~establish the~~ adopt necessary rules, not inconsistent with
29 6 law, for carrying out the reciprocal relations with other
29 7 states which are authorized by this chapter.

29 8 Sec. 61. Section 147.74, subsections 7, 15, and 22, Code
29 9 2007, are amended to read as follows:

29 10 7. A graduate of a school accredited ~~on by~~ the board of
29 11 ~~optometric examiners~~ optometry may use the prefix "Doctor",
29 12 but shall add after the person's name the letters "O. D."

29 13 15. A pharmacist who possesses a doctoral degree
29 14 recognized by the American council of pharmaceutical education
29 15 from a college of pharmacy approved by the board of pharmacy
29 16 ~~examiners~~ or a doctor of philosophy degree in an area related
29 17 to pharmacy may use the prefix "Doctor" or "Dr." but shall add
29 18 after the person's name the word "pharmacist" or "Pharm. D."

29 19 22. ~~An A sign language~~ interpreter licensed under chapter
29 20 154E and this chapter may use the title "licensed sign
29 21 language interpreter" or the letters "L. I." after the
29 22 person's name.

29 23 Sec. 62. Section 147.76, Code 2007, is amended to read as
29 24 follows:

29 25 147.76 RULES.

29 26 The ~~examining~~ boards for the various professions shall
29 27 adopt all necessary and proper rules to ~~implement~~ administer
29 28 and interpret this chapter and chapters 147A through 158,
29 29 except chapter 148D.

29 30 Sec. 63. Section 147.80, Code 2007, is amended to read as
29 31 follows:

29 32 147.80 LICENSE == EXAMINATION == FEES.

29 33 ~~An examining~~ Each board shall set the fees for the
29 34 examination of applicants, which fees shall be based upon the
29 35 cost of administering the examinations. ~~An examining~~ A board
30 1 shall set the license fees and renewal fees required for any
30 2 of the following based upon the cost of sustaining the board
30 3 and the actual costs of licensing:

30 4 1. License to practice dentistry issued upon the basis of
30 5 an examination given by the board of ~~dental examiners~~
30 6 dentistry, license to practice dentistry issued under a
30 7 reciprocal agreement, resident dentist's license, renewal of a
30 8 license to practice dentistry.

30 9 2. License to practice pharmacy issued upon the basis of
30 10 an examination given by the board of pharmacy ~~examiners~~,

30 11 license to practice pharmacy issued under a reciprocal
30 12 agreement, renewal of a license to practice pharmacy.

30 13 3. License to practice medicine and surgery, osteopathic
30 14 medicine and surgery, or osteopathy and renewal of a license
30 15 to practice medicine and surgery, osteopathic medicine and
30 16 surgery, or osteopathy.

30 17 4. Certificate to practice psychology or associate
30 18 psychology issued on the basis of an examination given by the
30 19 board of psychology ~~examiners~~, or certificate to practice
30 20 psychology or associate psychology issued under a reciprocity
30 21 agreement or by endorsement, renewal of a certificate to
30 22 practice psychology or associate psychology.

30 23 5. Application for a license to practice as a physician
30 24 assistant, issuance of a license to practice as a physician
30 25 assistant issued upon the basis of an examination given or
30 26 approved by the board of physician ~~assistant examiners~~
30 27 assistants, issuance of a license to practice as a physician
30 28 assistant issued under a reciprocal agreement, renewal of a
30 29 license to practice as a physician assistant, temporary
30 30 license to practice as a physician assistant.

30 31 6. License to practice chiropractic issued on the basis of
30 32 an examination given by the board of chiropractic ~~examiners~~.
30 33 License to practice chiropractic issued by endorsement or
30 34 under a reciprocal agreement, renewal of a license to practice
30 35 chiropractic.

31 1 7. License to practice podiatry issued upon the basis of
31 2 an examination given by the board of podiatry ~~examiners~~,
31 3 license to practice podiatry issued under a reciprocal
31 4 agreement, renewal of a license to practice podiatry.

31 5 8. License to practice physical therapy issued upon the
31 6 basis of an examination given by the board of physical and
31 7 occupational therapy ~~examiners~~, license to practice physical
31 8 therapy issued under a reciprocal agreement, renewal of a
31 9 license to practice physical therapy.

31 10 9. License to practice as a physical therapist assistant
31 11 issued on the basis of an examination given by the board of
31 12 physical and occupational therapy ~~examiners~~, license to
31 13 practice as a physical therapist assistant issued under a
31 14 reciprocal agreement, renewal of a license to practice as a
31 15 physical therapist assistant.

31 16 10. For a license to practice optometry issued upon the
31 17 basis of an examination given by the board of optometry
31 18 ~~examiners~~, license to practice optometry issued under a
31 19 reciprocal agreement, renewal of a license to practice
31 20 optometry.

31 21 11. License to practice dental hygiene issued upon the
31 22 basis of an examination given by the board of ~~dental examiners~~
31 23 dentistry, license to practice dental hygiene issued under a
31 24 reciprocal agreement, renewal of a license to practice dental
31 25 hygiene.

31 26 12. License to practice mortuary science issued upon the
31 27 basis of an examination given by the board of mortuary science
31 28 ~~examiners~~, license to practice mortuary science issued under a
31 29 reciprocal agreement, renewal of a license to practice
31 30 mortuary science.

31 31 13. License to practice nursing issued upon the basis of
31 32 an examination given by the board of nursing; license to
31 33 practice nursing based on an endorsement from another state,
31 34 territory, or foreign country; renewal of a license to
31 35 practice nursing.

32 1 14. A nurse who does not engage in nursing during the year
32 2 succeeding the expiration of the license shall notify the
32 3 board to place the nurse upon the inactive list and the nurse
32 4 shall not be required to pay the renewal fee so long as the
32 5 nurse remains inactive and so notifies the board. To resume
32 6 nursing, the nurse shall notify the board and remit the
32 7 renewal fee for the current period.

32 8 15. License to practice cosmetology arts and sciences
32 9 issued upon the basis of an examination given by the board of
32 10 cosmetology arts and sciences ~~examiners~~, license to practice
32 11 cosmetology arts and sciences under a reciprocal agreement,
32 12 renewal of a license to practice cosmetology arts and
32 13 sciences, temporary permit to practice as a cosmetology arts
32 14 and sciences trainee, original license to conduct a school of
32 15 cosmetology arts and sciences, renewal of license to conduct a
32 16 school of cosmetology arts and sciences, original license to
32 17 operate a salon, renewal of a license to operate a salon,
32 18 original license to practice manicuring and pedicuring,
32 19 renewal of a license to practice manicuring and pedicuring,
32 20 annual inspection of a school of cosmetology arts and
32 21 sciences, annual inspection of a salon, original cosmetology

32 22 arts and sciences school instructor's license, and renewal of
32 23 cosmetology arts and sciences school instructor's license.
32 24 16. License to practice barbering on the basis of an
32 25 examination given by the board of ~~barber-examiners~~ barbering,
32 26 license to practice barbering under a reciprocal agreement,
32 27 renewal of a license to practice barbering, annual inspection
32 28 by the department of inspections and appeals of barber school
32 29 and annual inspection of barber shop, an original barber
32 30 school license, renewal of a barber school license, transfer
32 31 of license upon change of ownership of a barber shop or barber
32 32 school, inspection by the department of inspections and
32 33 appeals and an original barber shop license, renewal of a
32 34 barber shop license, original barber school instructor's
32 35 license, renewal of a barber school instructor's license.
33 1 17. License to practice speech pathology or audiology
33 2 issued on the basis of an examination given by the board of
33 3 speech pathology and audiology, or license to practice speech
33 4 pathology or audiology issued under a reciprocity agreement,
33 5 renewal of a license to practice speech pathology or
33 6 audiology.
33 7 18. License to practice occupational therapy issued upon
33 8 the basis of an examination given by the board of physical and
33 9 occupational therapy ~~examiners~~, license to practice
33 10 occupational therapy issued under a reciprocal agreement,
33 11 renewal of a license to practice occupational therapy.
33 12 19. License to assist in the practice of occupational
33 13 therapy issued upon the basis of an examination given by the
33 14 board of physical and occupational therapy ~~examiners~~, license
33 15 to assist in the practice of occupational therapy issued under
33 16 a reciprocal agreement, renewal of a license to assist in the
33 17 practice of occupational therapy.
33 18 20. License to practice social work issued on the basis of
33 19 an examination by the board of social work ~~examiners~~, or
33 20 license to practice social work issued under a reciprocity
33 21 agreement, or renewal of a license to practice social work.
33 22 21. License to practice marital and family therapy issued
33 23 upon the basis of an examination given by the board of
33 24 behavioral science ~~examiners~~, license to practice marital and
33 25 family therapy issued under a reciprocal agreement, or renewal
33 26 of a license to practice marital and family therapy.
33 27 22. License to practice mental health counseling issued
33 28 upon the basis of an examination given by the board of
33 29 behavioral science ~~examiners~~, license to practice mental
33 30 health counseling issued under a reciprocal agreement, or
33 31 renewal of a license to practice mental health counseling.
33 32 23. License to practice dietetics issued upon the basis of
33 33 an examination given by the board of ~~dietetic-examiners~~
33 34 dietetics, license to practice dietetics issued under a
33 35 reciprocal agreement, or renewal of a license to practice
34 1 dietetics.
34 2 24. License to practice acupuncture, license to practice
34 3 acupuncture under a reciprocal agreement, or renewal of a
34 4 license to practice acupuncture.
34 5 25. License to practice respiratory care, license to
34 6 practice respiratory care under a reciprocal license, or
34 7 renewal of a license to practice respiratory care.
34 8 26. License to practice massage therapy, license to
34 9 practice massage therapy under a reciprocal license, or
34 10 renewal of a license to practice massage therapy.
34 11 27. License to practice athletic training, license to
34 12 practice athletic training under a reciprocal license, or
34 13 renewal of a license to practice athletic training.
34 14 28. Registration to practice as a dental assistant,
34 15 registration to practice as a dental assistant under a
34 16 reciprocal agreement, or renewal of registration to practice
34 17 as a dental assistant.
34 18 29. License to practice sign language interpreting and
34 19 transliterating, license to practice sign language
34 20 interpreting and transliterating under a reciprocal license,
34 21 or renewal of a license to practice sign language interpreting
34 22 and transliterating.
34 23 30. License to practice hearing aid dispensing, license to
34 24 practice hearing aid dispensing under a reciprocal license, or
34 25 renewal of a license to practice hearing aid dispensing.
34 26 31. License to practice nursing home administration,
34 27 license to practice nursing home administration under a
34 28 reciprocal license, or renewal of a license to practice
34 29 nursing home administration.
34 30 32. For a certified statement that a licensee is licensed
34 31 in this state.
34 32 33. Duplicate license, which shall be so designated on its

34 33 face, upon satisfactory proof the original license issued by
34 34 the department has been destroyed or lost.

34 35 The licensing and certification division shall prepare
35 1 estimates of projected revenues to be generated by the
35 2 licensing, certification, and examination fees of each board
35 3 as well as a projection of the fairly apportioned
35 4 administrative costs and rental expenses attributable to each
35 5 board. Each board shall annually review and adjust its
35 6 schedule of fees so that, as nearly as possible, projected
35 7 revenues equal projected costs and any imbalance in revenues
35 8 and costs in a fiscal year is offset in a subsequent fiscal
35 9 year.

35 10 The board of ~~medical examiners medicine~~, the board of
35 11 pharmacy ~~examiners~~, the board of ~~dental examiners dentistry~~,
35 12 and the board of nursing shall retain individual executive
35 13 officers, but shall make every effort to share administrative,
35 14 clerical, and investigative staffs to the greatest extent
35 15 possible. The department shall annually submit a status
35 16 report to the general assembly in December regarding the
35 17 sharing of staff during the previous fiscal year.

35 18 Sec. 64. Section 147.87, Code 2007, is amended to read as
35 19 follows:

35 20 147.87 ENFORCEMENT.

35 21 The department shall enforce the provisions of this and the
35 22 following chapters of this subtitle and for that purpose may
35 23 request the department of inspections and appeals to make
35 24 necessary investigations. Every licensee and member of ~~an~~
~~35 25 examining a~~ board shall furnish the department or the
35 26 department of inspections and appeals such evidence as the
35 27 member or licensee may have relative to any alleged violation
35 28 which is being investigated.

35 29 Sec. 65. Section 147.88, Code 2007, is amended to read as
35 30 follows:

35 31 147.88 INSPECTIONS.

35 32 The department of inspections and appeals may perform
35 33 inspections as required by this subtitle, except for the board
35 34 of ~~medical examiners medicine~~, board of pharmacy ~~examiners~~,
35 35 board of nursing, and the board of ~~dental examiners dentistry~~.
36 1 The department of inspections and appeals shall employ
36 2 personnel related to the inspection functions.

36 3 Sec. 66. Section 147.89, unnumbered paragraph 1, Code
36 4 2007, is amended to read as follows:

36 5 Every licensee and member of ~~an examining a~~ board shall
36 6 report, also, to the department the name of every person,
36 7 without a license, that the member or licensee has reason to
36 8 believe is engaged in:

36 9 Sec. 67. Section 147.91, subsection 3, Code 2007, is
36 10 amended to read as follows:

36 11 3. The rules of the ~~examining~~ board relative to
36 12 examinations.

36 13 Sec. 68. Section 147.94, subsections 1, 2, 3, and 4, Code
36 14 2007, are amended to read as follows:

36 15 1. Every application for a license to practice pharmacy
36 16 shall be made to the ~~secretary executive director~~ of the board
36 17 of pharmacy ~~examiners~~.

36 18 2. A license and all renewals of a license shall be issued
36 19 by the board of pharmacy ~~examiners~~.

36 20 3. Every reciprocal agreement for the recognition of any
36 21 license issued in another state shall be negotiated by the
36 22 board of pharmacy ~~examiners~~.

36 23 4. All records in connection with the licensing of
36 24 pharmacists shall be kept by the ~~secretary executive director~~
36 25 of the board of pharmacy ~~examiners~~.

36 26 Sec. 69. Section 147.95, Code 2007, is amended to read as
36 27 follows:

36 28 147.95 ENFORCEMENT == AGENTS AS PEACE OFFICERS.

36 29 The provisions of this subtitle insofar as they affect the
36 30 practice of pharmacy shall be enforced by the board of
36 31 pharmacy ~~examiners~~ and the provisions of sections 147.87,
36 32 147.88, and 147.89 shall not apply to said profession.
36 33 Officers, agents, inspectors, and representatives of the board
36 34 of pharmacy ~~examiners~~ shall have the powers and status of
36 35 peace officers when enforcing the provisions of this subtitle.

37 1 Sec. 70. Section 147.96, Code 2007, is amended to read as
37 2 follows:

37 3 147.96 BOARD OF PHARMACY EXAMINERS.

37 4 In discharging the duties and exercising the powers
37 5 provided for in sections 147.94 and 147.95, the board of
37 6 pharmacy ~~examiners~~ and ~~their secretary the executive director~~
37 7 of the board shall be governed by all the provisions of this
37 8 chapter which govern the department when discharging a similar

37 9 duty or exercising a similar power with reference to any of
37 10 the professions regulated by this subtitle.

37 11 Sec. 71. Section 147.98, Code 2007, is amended to read as
37 12 follows:

37 13 147.98 ~~SECRETARY OF PHARMACY EXAMINERS~~ EXECUTIVE DIRECTOR
37 14 OF THE BOARD OF PHARMACY.

37 15 The ~~board of pharmacy examiners shall have the right to may~~
37 16 employ a full-time ~~secretary executive director~~, who shall not
37 17 be a member of the examining board, at such compensation as
37 18 may be fixed pursuant to chapter 8A, subchapter IV, but the
37 19 provisions of section 147.22 providing for a secretary for
37 20 each examining board shall not apply to the board of pharmacy
37 21 examiners.

37 22 Sec. 72. Section 147.99, Code 2007, is amended to read as
37 23 follows:

37 24 147.99 DUTIES OF ~~SECRETARY~~ EXECUTIVE DIRECTOR.

37 25 The ~~secretary executive director~~ of the board of pharmacy
37 26 ~~examiners~~ shall, upon the direction of the board, make
37 27 inspections of alleged violations of the provisions of this
37 28 subtitle relative to the practice of pharmacy and of chapters
37 29 124, 126, and 205. The ~~secretary executive director~~ shall be
37 30 allowed necessary traveling and hotel expenses in making such
37 31 inspections.

37 32 Sec. 73. Section 147.100, Code 2007, is amended to read as
37 33 follows:

37 34 147.100 EXPIRATIONS AND RENEWALS.

37 35 Licenses shall expire in multiyear intervals as determined
38 1 by ~~the examining each~~ board. A person who fails to renew a
38 2 license by the expiration date shall be allowed to do so
38 3 within thirty days following its expiration, but the ~~examining~~
38 4 board may assess a reasonable penalty.

38 5 Sec. 74. Section 147.102, Code 2007, is amended to read as
38 6 follows:

38 7 147.102 PSYCHOLOGISTS, CHIROPRACTORS, AND DENTISTS.

38 8 Notwithstanding the provisions of this subtitle, every
38 9 application for a license to practice psychology,
38 10 chiropractic, or dentistry shall be made directly to the
38 11 chairperson, executive director, or secretary of the ~~examining~~
38 12 board of such profession, and every reciprocal agreement for
38 13 the recognition of any such license issued in another state
38 14 shall be negotiated by the ~~examining~~ board for such
38 15 profession. All examination, license, and renewal fees
38 16 received from persons licensed to practice any of such
38 17 professions shall be paid to and collected by the chairperson,
38 18 executive director, or secretary of the ~~examining~~ board of
38 19 such profession. The salary of the secretary shall be
38 20 established by the governor with the approval of the executive
38 21 council pursuant to section 8A.413, subsection 2, under the
38 22 pay plan for exempt positions in the executive branch of
38 23 government.

38 24 Sec. 75. Section 147.103, Code 2007, is amended to read as
38 25 follows:

38 26 147.103 INVESTIGATORS FOR PHYSICIAN ASSISTANTS.

38 27 The board of physician ~~assistant examiners~~ assistants may
38 28 appoint investigators, who shall not be members of the
38 29 ~~examining~~ board, to administer and aid in the enforcement of
38 30 the provisions of law relating to physician assistants. The
38 31 amount of compensation for the investigators shall be
38 32 determined pursuant to chapter 8A, subchapter IV.

38 33 Investigators authorized by the board of physician
38 34 ~~assistant examiners~~ assistants have the powers and status of
38 35 peace officers when enforcing this chapter and chapters 148C
39 1 and 272C.

39 2 Sec. 76. Section 147.103A, unnumbered paragraph 1, Code
39 3 2007, is amended to read as follows:

39 4 This chapter shall apply to the licensing of persons to
39 5 practice as physicians and surgeons, osteopaths, and
39 6 osteopathic physicians and surgeons by the board of ~~medical~~
39 7 ~~examiners~~ medicine subject to the following provisions:

39 8 Sec. 77. Section 147.103A, subsection 3, Code 2007, is
39 9 amended to read as follows:

39 10 3. The board may appoint investigators, who shall not be
39 11 members of the ~~examining~~ board, and whose compensation shall
39 12 be determined pursuant to chapter 8A, subchapter IV.
39 13 Investigators appointed by the board have the powers and
39 14 status of peace officers when enforcing this chapter and
39 15 chapters 148, 150, 150A, and 272C.

39 16 Sec. 78. Section 147.107, subsections 2, 4, 5, and 8, Code
39 17 2007, are amended to read as follows:

39 18 2. A pharmacist, physician, dentist, or podiatric
39 19 physician who dispenses prescription drugs, including but not

39 20 limited to controlled substances, for human use, may delegate
39 21 nonjudgmental dispensing functions to staff assistants only
39 22 when verification of the accuracy and completeness of the
39 23 prescription is determined by the pharmacist or practitioner
39 24 in the pharmacist's or practitioner's physical presence.
39 25 However, the physical presence requirement does not apply when
39 26 a pharmacist or practitioner is utilizing an automated
39 27 dispensing system. When using an automated dispensing system
39 28 the pharmacist or practitioner shall utilize an internal
39 29 quality control assurance plan that ensures accuracy for
39 30 dispensing. Verification of automated dispensing accuracy and
39 31 completeness remains the responsibility of the pharmacist or
39 32 practitioner and shall be determined in accordance with rules
39 33 adopted by the ~~state~~ board of pharmacy ~~examiners~~, the ~~state~~
39 34 ~~board of medical examiners medicine~~, the ~~state~~ board of dental
39 35 ~~examiners dentistry~~, and the ~~state~~ board of podiatry ~~examiners~~

40 1 for their respective licensees.
40 2 A dentist, physician, or podiatric physician who dispenses
40 3 prescription drugs, other than drug samples, pursuant to this
40 4 subsection, shall register the fact that they dispense
40 5 prescription drugs with the practitioner's respective
40 6 ~~examining~~ board at least biennially.

40 7 A physician, dentist, or podiatric physician who dispenses
40 8 prescription drugs, other than drug samples, pursuant to this
40 9 subsection, shall offer to provide the patient with a written
40 10 prescription that may be dispensed from a pharmacy of the
40 11 patient's choice or offer to transmit the prescription orally,
40 12 electronically, or by facsimile in accordance with section
40 13 155A.27 to a pharmacy of the patient's choice.

40 14 4. Notwithstanding subsection 3, a physician assistant
40 15 shall not dispense prescription drugs as an incident to the
40 16 practice of the supervising physician or the physician
40 17 assistant, but may supply, when pharmacist services are not
40 18 reasonably available, or when it is in the best interests of
40 19 the patient, a quantity of properly packaged and labeled
40 20 prescription drugs, controlled substances, or medical devices
40 21 necessary to complete a course of therapy. However, a remote
40 22 clinic, staffed by a physician assistant, where pharmacy
40 23 services are not reasonably available, shall secure the
40 24 regular advice and consultation of a pharmacist regarding the
40 25 distribution, storage, and appropriate use of such drugs,
40 26 substances, and devices. Prescription drugs supplied under
40 27 the provisions of this subsection shall be supplied for the
40 28 purpose of accommodating the patient and shall not be sold for
40 29 more than the cost of the drug and reasonable overhead costs,
40 30 as they relate to supplying prescription drugs to the patient,
40 31 and not at a profit to the physician or the physician
40 32 assistant. If prescription drug supplying authority is
40 33 delegated by a supervising physician to a physician assistant,
40 34 a nurse or staff assistant may assist the physician assistant
40 35 in providing that service. Rules shall be adopted by the
41 1 board of physician ~~assistant examiners assistants~~, after
41 2 consultation with the board of pharmacy ~~examiners~~, to
41 3 implement this subsection.

41 4 5. Notwithstanding subsection 1 and any other provision of
41 5 this section to the contrary, a physician may delegate the
41 6 function of prescribing drugs, controlled substances, and
41 7 medical devices to a physician assistant licensed pursuant to
41 8 chapter 148C. When delegated prescribing occurs, the
41 9 supervising physician's name shall be used, recorded, or
41 10 otherwise indicated in connection with each individual
41 11 prescription so that the individual who dispenses or
41 12 administers the prescription knows under whose delegated
41 13 authority the physician assistant is prescribing. Rules
41 14 relating to the authority of physician assistants to prescribe
41 15 drugs, controlled substances, and medical devices pursuant to
41 16 this subsection shall be adopted by the board of physician
41 17 ~~assistant examiners assistants~~, after consultation with the
41 18 board of ~~medical examiners medicine~~ and the board of pharmacy
41 19 ~~examiners~~. However, the rules shall prohibit the prescribing
41 20 of schedule II controlled substances which are listed as
41 21 depressants pursuant to chapter 124.

41 22 8. Notwithstanding subsection 1, but subject to the
41 23 limitations contained in subsections 2 and 3, a registered
41 24 nurse who is licensed and registered as an advanced registered
41 25 nurse practitioner and who qualifies for and is registered in
41 26 a recognized nursing specialty may prescribe substances or
41 27 devices, including controlled substances or devices, if the
41 28 nurse is engaged in the practice of a nursing specialty
41 29 regulated under rules adopted by the board of nursing in
41 30 consultation with the board of ~~medical examiners medicine~~ and

41 31 the board of pharmacy ~~examiners~~.

41 32 Sec. 79. Section 147.108, subsection 1, Code 2007, is
41 33 amended to read as follows:

41 34 1. A person shall not dispense or adapt contact lenses
41 35 without first receiving authorization to do so by a written,
42 1 electronic, or facsimile prescription, except when authorized
42 2 orally under subsection 2, from a person licensed under
42 3 chapter 148, 150, 150A, or 154. The board of optometry
42 4 ~~examiners~~ shall adopt rules relating to electronic or
42 5 facsimile transmission of a prescription under this section.

42 6 Sec. 80. Section 147.109, subsection 1, Code 2007, is
42 7 amended to read as follows:

42 8 1. A person shall not dispense or adapt an ophthalmic
42 9 spectacle lens or lenses without first receiving authorization
42 10 to do so by a written, electronic, or facsimile prescription
42 11 from a person licensed under chapter 148, 150, 150A, or 154.
42 12 For the purpose of this section, "ophthalmic spectacle lens"
42 13 means one which has been fabricated to fill the requirements
42 14 of a particular spectacle lens prescription. The board of
42 15 optometry ~~examiners~~ shall adopt rules relating to electronic
42 16 or facsimile transmission of a prescription under this
42 17 section.

42 18 Sec. 81. Section 147.114, Code 2007, is amended to read as
42 19 follows:

42 20 147.114 INSPECTOR.

42 21 An inspector may be appointed by the board of ~~dental~~
42 22 ~~examiners dentistry~~ pursuant to the provisions of chapter 8A,
42 23 subchapter IV.

42 24 Sec. 82. Section 147.135, subsections 2 and 3, Code 2007,
42 25 are amended to read as follows:

42 26 2. As used in this subsection, "peer review records" means
42 27 all complaint files, investigation files, reports, and other
42 28 investigative information relating to licensee discipline or
42 29 professional competence in the possession of a peer review
42 30 committee or an employee of a peer review committee. As used
42 31 in this subsection, "peer review committee" does not include
42 32 ~~examining licensing~~ boards. Peer review records are
42 33 privileged and confidential, are not subject to discovery,
42 34 subpoena, or other means of legal compulsion for release to a
42 35 person other than an affected licensee or a peer review
43 1 committee and are not admissible in evidence in a judicial or
43 2 administrative proceeding other than a proceeding involving
43 3 licensee discipline or a proceeding brought by a licensee who
43 4 is the subject of a peer review record and whose competence is
43 5 at issue. A person shall not be liable as a result of filing
43 6 a report or complaint with a peer review committee or
43 7 providing information to such a committee, or for disclosure
43 8 of privileged matter to a peer review committee. A person
43 9 present at a meeting of a peer review committee shall not be
43 10 permitted to testify as to the findings, recommendations,
43 11 evaluations, or opinions of the peer review committee in any
43 12 judicial or administrative proceeding other than a proceeding
43 13 involving licensee discipline or a proceeding brought by a
43 14 licensee who is the subject of a peer review committee meeting
43 15 and whose competence is at issue. Information or documents
43 16 discoverable from sources other than the peer review committee
43 17 do not become nondiscoverable from the other sources merely
43 18 because they are made available to or are in the possession of
43 19 a peer review committee. However, such information relating
43 20 to licensee discipline may be disclosed to an appropriate
43 21 licensing authority in any jurisdiction in which the licensee
43 22 is licensed or has applied for a license. If such information
43 23 indicates a crime has been committed, the information shall be
43 24 reported to the proper law enforcement agency. This
43 25 subsection shall not preclude the discovery of the
43 26 identification of witnesses or documents known to a peer
43 27 review committee. Any final written decision and finding of
43 28 fact by a licensing board in a disciplinary proceeding is a
43 29 public record. Upon appeal by a licensee of a decision of a
43 30 ~~licensing~~ board, the entire case record shall be submitted to
43 31 the reviewing court. In all cases where privileged and
43 32 confidential information under this subsection becomes
43 33 discoverable, admissible, or part of a court record the
43 34 identity of an individual whose privilege has been
43 35 involuntarily waived shall be withheld.

44 1 3. A full and confidential report concerning any final
44 2 hospital disciplinary action approved by a hospital board of
44 3 trustees that results in a limitation, suspension, or
44 4 revocation of a physician's privilege to practice for reasons
44 5 relating to the physician's professional competence or
44 6 concerning any voluntary surrender or limitation of privileges

44 7 for reasons relating to professional competence shall be made
44 8 to the board of ~~medical examiners medicine~~ by the hospital
44 9 administrator or chief of medical staff within ten days of
44 10 such action. The board of ~~medical examiners medicine~~ shall
44 11 investigate the report and take appropriate action. These
44 12 reports shall be privileged and confidential as though
44 13 included in and subject to the requirements for peer review
44 14 committee information in subsection 2. Persons making these
44 15 reports and persons participating in resulting proceedings
44 16 related to these reports shall be immune from civil liability
44 17 with respect to the making of the report or participation in
44 18 resulting proceedings. As used in this subsection,
44 19 "physician" means a person licensed pursuant to chapter 148,
44 20 chapter 150, or chapter 150A.

44 21 Notwithstanding subsection 2, if the board of ~~medical~~
~~44 22 examiners medicine~~ conducts an investigation based on a
44 23 complaint received or upon its own motion, a hospital pursuant
44 24 to subpoena shall make available information and documents
44 25 requested by the board, specifically including reports or
44 26 descriptions of any complaints or incidents concerning an
44 27 individual who is the subject of the board's investigation,
44 28 even though the information and documents are also kept for,
44 29 are the subject of, or are being used in peer review by the
44 30 hospital. However, the deliberations, testimony, decisions,
44 31 conclusions, findings, recommendations, evaluations, work
44 32 product, or opinions of a peer review committee or its members
44 33 and those portions of any documents or records containing or
44 34 revealing information relating thereto shall not be subject to
44 35 the board's request for information, subpoena, or other legal
45 1 compulsion. All information and documents received by the
45 2 board from a hospital under this section shall be confidential
45 3 pursuant to section 272C.6, subsection 4.

45 4 Sec. 83. Section 147.151, subsection 2, Code 2007, is
45 5 amended to read as follows:

45 6 2. "Board" means the ~~Iowa~~ board of speech pathology and
45 7 audiology ~~examiners~~ established pursuant to section 147.14,
45 8 subsection 9.

45 9 Sec. 84. Section 147.152, subsection 1, Code 2007, is
45 10 amended to read as follows:

45 11 1. Licensed physicians and surgeons, licensed osteopathic
45 12 physicians and surgeons, licensed osteopaths, approved
45 13 physician assistants and registered nurses acting under the
45 14 supervision of a physician, persons conducting hearing tests
45 15 under the direct supervision of a licensed physician and
45 16 surgeon, licensed osteopathic physician and surgeon, or
45 17 licensed osteopath, or students of medicine or surgery or
45 18 osteopathic medicine and surgery pursuing a course of study in
45 19 a medical school or college of osteopathic medicine and
45 20 surgery approved by the ~~medical examiners~~ board of medicine
45 21 while performing functions incidental to their course of
45 22 study.

45 23 Sec. 85. Section 147A.13, subsection 1, Code 2007, is
45 24 amended to read as follows:

45 25 1. Documentation has been reviewed and approved at the
45 26 local level by the medical director of the ambulance, rescue,
45 27 or first response service in accordance with the rules of the
45 28 board of physician ~~assistant examiners~~ assistants developed
45 29 after consultation with the department.

45 30 Sec. 86. Section 148.2, subsections 3 and 6, Code 2007,
45 31 are amended to read as follows:

45 32 3. Students of medicine or surgery who have completed at
45 33 least two years' study in a medical school, approved by the
45 34 ~~medical examiners board~~, and who prescribe medicine under the
45 35 supervision of a licensed physician and surgeon, or who render
46 1 gratuitous service to persons in case of emergency.

46 2 6. A graduate of a medical school who is continuing
46 3 training and performing the duties of an intern, or who is
46 4 engaged in postgraduate training deemed the equivalent of an
46 5 internship in a hospital approved for training by the ~~medical~~
~~46 6 examiners board~~.

46 7 Sec. 87. Section 148.2A, Code 2007, is amended to read as
46 8 follows:

46 9 148.2A BOARD OF ~~MEDICAL EXAMINERS~~ MEDICINE.

46 10 As used in this chapter, "board" and "~~medical examiners~~"
~~46 11 mean means~~ the board of ~~medical examiners~~ medicine established
46 12 in chapter 147.

46 13 Sec. 88. Section 148.3, Code 2007, is amended to read as
46 14 follows:

46 15 148.3 REQUIREMENTS FOR LICENSE.

46 16 An applicant for a license to practice medicine and surgery
46 17 shall:

46 18 1. Present a diploma issued by a medical college approved
46 19 by the ~~medical examiners board~~, or present other evidence of
46 20 equivalent medical education approved by the ~~medical examiners~~
46 21 ~~board~~. The ~~medical examiners board~~ may accept, in lieu of a
46 22 diploma from a medical college approved by them, all of the
46 23 following:

46 24 a. A diploma issued by a medical college which has been
46 25 neither approved nor disapproved by the ~~medical examiners; and~~
46 26 ~~board~~.

46 27 b. A valid standard certificate issued by the educational
46 28 commission for foreign medical graduates or similar
46 29 accrediting agency.

46 30 2. Pass an examination prescribed by the ~~medical examiners~~
46 31 ~~board~~ which shall include subjects which determine the
46 32 applicant's qualifications to practice medicine and surgery
46 33 and which shall be given according to the methods deemed by
46 34 the ~~medical examiners board~~ to be the most appropriate and
46 35 practicable. However, the federation licensing examination
47 1 (~~FLEX~~) or any other national standardized examination which
47 2 the ~~medical examiners shall approve board approves~~ may be
47 3 administered to any or all applicants in lieu of or in
47 4 conjunction with other examinations which the ~~medical~~
47 5 ~~examiners shall prescribe board prescribes~~. The ~~medical~~
47 6 ~~examiners board~~ may establish necessary achievement levels on
47 7 all examinations for a passing grade and adopt rules relating
47 8 to examinations.

47 9 3. Present to the ~~medical examiners board~~ satisfactory
47 10 evidence that the applicant has successfully completed one
47 11 year of postgraduate internship or resident training in a
47 12 hospital approved for such training by the ~~medical examiners~~
47 13 ~~board~~. Beginning July 1, 2006, an applicant who holds a valid
47 14 certificate issued by the educational commission for foreign
47 15 medical graduates shall submit satisfactory evidence of
47 16 successful completion of two years of such training.

47 17 Sec. 89. Section 148.4, Code 2007, is amended to read as
47 18 follows:

47 19 148.4 CERTIFICATES OF NATIONAL BOARD.

47 20 The ~~medical examiners board of medicine~~ may accept in lieu
47 21 of the examination prescribed in section 148.3 a certificate
47 22 of examination issued by the national board of medical
47 23 examiners of the United States of America, but every applicant
47 24 for a license upon the basis of such certificate shall be
47 25 required to pay the fee prescribed by the ~~medical examiners~~
47 26 ~~board of medicine~~ for licenses.

47 27 Sec. 90. Section 148.5, Code 2007, is amended to read as
47 28 follows:

47 29 148.5 RESIDENT PHYSICIAN LICENSE.

47 30 A physician, who is a graduate of a medical school and is
47 31 serving as a resident physician who is not otherwise licensed
47 32 to practice medicine and surgery in this state, shall be
47 33 required to obtain from the ~~medical examiners board~~ a license
47 34 to practice as a resident physician. The license shall be
47 35 designated "Resident Physician License" and shall authorize
48 1 the licensee to serve as a resident physician only, under the
48 2 supervision of a licensed practitioner of medicine and surgery
48 3 or osteopathic medicine and surgery, in an institution
48 4 approved for such training by the ~~medical examiners board~~. A
48 5 license shall be valid for a duration as determined by the
48 6 board. The fee for each license shall be set by the ~~medical~~
48 7 ~~examiners board~~ to cover the administrative costs of issuing
48 8 the license. The ~~medical examiners board~~ shall determine in
48 9 each instance those eligible for a license, whether or not
48 10 examinations shall be given, and the type of examinations.
48 11 Requirements of the law pertaining to regular permanent
48 12 licensure shall not be mandatory for a resident physician
48 13 license except as specifically designated by the ~~medical~~
48 14 ~~examiners board~~. The granting of a resident physician license
48 15 does not in any way indicate that the person licensed is
48 16 necessarily eligible for regular permanent licensure, ~~nor are~~
48 17 ~~the medical examiners or that the board~~ in any way ~~is~~
48 18 obligated to license the individual.

48 19 Sec. 91. Section 148.6, Code 2007, is amended to read as
48 20 follows:

48 21 148.6 REVOCATION.

48 22 1. The ~~medical examiners board~~, after due notice and
48 23 hearing in accordance with chapter 17A, may issue an order to
48 24 discipline a licensee for any of the grounds set forth in
48 25 section 147.55, chapter 272C, or this subsection.
48 26 Notwithstanding section 272C.3, licensee discipline may
48 27 include a civil penalty not to exceed ten thousand dollars.

48 28 2. Pursuant to this section, the board ~~of medical~~

~~48 29~~ examiners may discipline a licensee who is guilty of any of
48 30 the following acts or offenses:
48 31 a. Knowingly making misleading, deceptive, untrue or
48 32 fraudulent representation in the practice of the physician's
48 33 profession.
48 34 b. Being convicted of a felony in the courts of this state
48 35 or another state, territory, or country. Conviction as used
49 1 in this paragraph shall include a conviction of an offense
49 2 which if committed in this state would be deemed a felony
49 3 without regard to its designation elsewhere, or a criminal
49 4 proceeding in which a finding or verdict of guilt is made or
49 5 returned, but the adjudication of guilt is either withheld or
49 6 not entered. A certified copy of the final order or judgment
49 7 of conviction or plea of guilty in this state or in another
49 8 state shall be conclusive evidence.
49 9 c. Violating a statute or law of this state, another
49 10 state, or the United States, without regard to its designation
49 11 as either felony or misdemeanor, which statute or law relates
49 12 to the practice of medicine.
49 13 d. Having the license to practice medicine and surgery,
49 14 osteopathic medicine and surgery, or osteopathy revoked or
49 15 suspended, or having other disciplinary action taken by a
49 16 licensing authority of another state, territory, or country.
49 17 A certified copy of the record or order of suspension,
49 18 revocation, or disciplinary action is prima facie evidence.
49 19 e. Knowingly aiding, assisting, procuring, or advising a
49 20 person to unlawfully practice medicine and surgery,
49 21 osteopathic medicine and surgery, or osteopathy.
49 22 f. Being adjudged mentally incompetent by a court of
49 23 competent jurisdiction. Such adjudication shall automatically
49 24 suspend a license for the duration of the license unless the
49 25 board orders otherwise.
49 26 g. Being guilty of a willful or repeated departure from,
49 27 or the failure to conform to, the minimal standard of
49 28 acceptable and prevailing practice of medicine and surgery,
49 29 osteopathic medicine and surgery, or osteopathy in which
49 30 proceeding actual injury to a patient need not be established;
49 31 or the committing by a physician of an act contrary to
49 32 honesty, justice, or good morals, whether the same is
49 33 committed in the course of the physician's practice or
49 34 otherwise, and whether committed within or without this state.
49 35 h. Inability to practice medicine and surgery, osteopathic
50 1 medicine and surgery, or osteopathy with reasonable skill and
50 2 safety by reason of illness, drunkenness, excessive use of
50 3 drugs, narcotics, chemicals, or other type of material or as a
50 4 result of a mental or physical condition. The ~~medical~~
~~50 5~~ ~~examiners board~~ may, upon probable cause, compel a physician
50 6 to submit to a mental or physical examination by designated
50 7 physicians or to submit to alcohol or drug screening within a
50 8 time specified by the ~~medical-examiners board~~. Failure of a
50 9 physician to submit to an examination or to submit to alcohol
50 10 or drug screening shall constitute admission to the
50 11 allegations made against the physician and the finding of fact
50 12 and decision of the ~~medical-examiners board~~ may be entered
50 13 without the taking of testimony or presentation of evidence.
50 14 At reasonable intervals, a physician shall be afforded an
50 15 opportunity to demonstrate that the physician can resume the
50 16 competent practice of medicine with reasonable skill and
50 17 safety to patients.
50 18 A person licensed to practice medicine and surgery,
50 19 osteopathic medicine and surgery, or osteopathy who makes
50 20 application for the renewal of a license, as required by
50 21 section 147.10, gives consent to submit to a mental or
50 22 physical examination as provided by this paragraph when
50 23 directed in writing by the ~~medical-examiners board~~. All
50 24 objections shall be waived as to the admissibility of the
50 25 examining physicians' testimony or examination reports on the
50 26 grounds that they constitute privileged communication. The
50 27 medical testimony or examination reports shall not be used
50 28 against a physician in another proceeding and shall be
50 29 confidential, except for other actions filed against a
50 30 physician to revoke or suspend a license.
50 31 i. Willful or repeated violation of lawful rule or
50 32 regulation adopted by the board or violating a lawful order of
50 33 the board, previously entered by the board in a disciplinary
50 34 or licensure hearing, or violating the terms and provisions of
50 35 a consent agreement or informal settlement between a licensee
51 1 and the board.
51 2 Sec. 92. Section 148.7, subsections 1, 2, 3, 7, and 9,
51 3 Code 2007, are amended to read as follows:
51 4 1. The ~~medical-examiners board~~ may, upon ~~their~~ its own

51 5 motion or upon verified complaint in writing, and shall, if
51 6 such complaint is filed by the director of public health,
51 7 issue an order fixing the time and place for hearing. A
51 8 written notice of the time and place of the hearing together
51 9 with a statement of the charges shall be served upon the
51 10 licensee at least ten days before the hearing in the manner
51 11 required for the service of notice of the commencement of an
51 12 ordinary action or by restricted certified mail.

51 13 2. If the licensee has left the state, the notice and
51 14 statement of the charges shall be so served at least twenty
51 15 days before the date of the hearing, wherever the licensee may
51 16 be found. If the whereabouts of the licensee is unknown,
51 17 service may be had by publication as provided in the rules of
51 18 civil procedure upon filing the affidavit required by ~~said the~~
51 19 rules. In case the licensee fails to appear, either in person
51 20 or by counsel at the time and place designated in ~~said the~~
51 21 notice, the ~~medical-examiners board~~ shall proceed with the
51 22 hearing as hereinafter provided.

51 23 3. The hearing shall be before a member or members
51 24 designated by the board or before an administrative law judge
51 25 appointed by the board according to the requirements of
51 26 section 17A.11, subsection 1. The presiding board member or
51 27 administrative law judge may issue subpoenas, administer
51 28 oaths, and take or cause depositions to be taken in connection
51 29 with the hearing. The presiding board member or
51 30 administrative law judge shall issue subpoenas at the request
51 31 and on behalf of the licensee. The hearing shall be open to
51 32 the public.

51 33 The administrative law judge shall be an attorney vested
51 34 with full authority of the board to schedule and conduct
51 35 hearings. The administrative law judge shall prepare and file
52 1 with the ~~medical-examiners board~~ the administrative law
52 2 judge's findings of fact and conclusions of law, together with
52 3 a complete written transcript of all testimony and evidence
52 4 introduced at the hearing and all exhibits, pleas, motions,
52 5 objections, and rulings of the administrative law judge.

52 6 7. If a majority of the members of the board vote in favor
52 7 of finding the licensee guilty of an act or offense specified
52 8 in section 147.55 or 148.6, the board shall prepare written
52 9 findings of fact and its decision imposing one or more of the
52 10 following disciplinary measures:

52 11 a. Suspend the licensee's license to practice the
52 12 profession for a period to be determined by the board.

52 13 b. Revoke the licensee's license to practice the
52 14 profession.

52 15 c. Suspend imposition of judgment and penalty or impose
52 16 the judgment and penalty, but suspend enforcement and place
52 17 the physician on probation. The probation ordered may be
52 18 vacated upon noncompliance. The ~~medical-examiners board~~ may
52 19 restore and reissue a license to practice medicine and
52 20 surgery, osteopathic medicine and surgery, or osteopathy, but
52 21 may impose a disciplinary or corrective measure which ~~it the~~
52 22 ~~board~~ might originally have imposed. A copy of the ~~medical-~~

~~52 23 examiners- board's~~ order, findings of fact, and decision,
52 24 shall be served on the licensee in the manner of service of an
52 25 original notice or by certified mail return receipt requested.

52 26 9. The ~~medical-examiners- board's~~ order revoking or
52 27 suspending a license to practice medicine and surgery,
52 28 osteopathic medicine and surgery, or osteopathy or to
52 29 discipline a licensee shall remain in force and effect until
52 30 the appeal is finally determined and disposed of upon its
52 31 merit.

52 32 Sec. 93. Section 148.8, Code 2007, is amended to read as
52 33 follows:

52 34 148.8 VOLUNTARY SURRENDER OF LICENSE.

52 35 The ~~medical-examiners board~~ may accept the voluntary
53 1 surrender of a license if accompanied by a written statement
53 2 of intention. A voluntary surrender, when accepted, has the
53 3 same force and effect as an order of revocation.

53 4 Sec. 94. Section 148.9, Code 2007, is amended to read as
53 5 follows:

53 6 148.9 REINSTATEMENT.

53 7 Any person whose license has been suspended, revoked, or
53 8 placed on probation may apply to the board ~~of medical-~~
~~53 9 examiners~~ for reinstatement at any time and the board may hold
53 10 hearings on any such petition and may order reinstatement and
53 11 impose terms and conditions thereof and issue a certificate of
53 12 reinstatement to the director of public health who shall
53 13 thereupon issue a license as directed by the board.

53 14 Sec. 95. Section 148.10, Code 2007, is amended to read as
53 15 follows:

53 16 148.10 TEMPORARY CERTIFICATE.

53 17 The ~~medical examiners board~~ may, in their discretion, issue
53 18 a temporary certificate authorizing the licensee to practice
53 19 medicine and surgery or osteopathic medicine and surgery in a
53 20 specific location or locations and for a specified period of
53 21 time if, in the opinion of the ~~medical examiners board~~, a need
53 22 exists and the person possesses the qualifications prescribed
53 23 by the ~~medical examiners board~~ for the license, which shall be
53 24 substantially equivalent to those required for licensure under
53 25 this chapter or chapter 150A, as the case may be. The ~~medical~~
~~53 26 examiners board~~ shall determine in each instance those
53 27 eligible for this license, whether or not examinations shall
53 28 be given, and the type of examinations. No requirements of
53 29 the law pertaining to regular permanent licensure are
53 30 mandatory for this temporary license except as specifically
53 31 designated by the ~~medical examiners board~~. The granting of a
53 32 temporary license does not in any way indicate that the person
53 33 so licensed is necessarily eligible for regular licensure, ~~nor~~
~~53 34 are the medical examiners or that the board~~ in any way is
53 35 obligated to so license the person.

54 1 The temporary certificate shall be issued for a period not
54 2 to exceed one year and may be renewed, but a person shall not
54 3 practice medicine and surgery or osteopathic medicine and
54 4 surgery in excess of three years while holding a temporary
54 5 certificate. The fee for this license and the fee for renewal
54 6 of this license shall be set by the ~~medical examiners board~~.
54 7 The fees shall be based on the administrative costs of issuing
54 8 and renewing the licenses.

54 9 Sec. 96. Section 148.11, subsection 1, Code 2007, is
54 10 amended to read as follows:

~~54 11 1. Whenever the need exists, the board of medical~~
~~54 12 examiners~~ may issue a special license. The special license
54 13 shall authorize the licensee to practice medicine and surgery
54 14 under the policies and standards applicable to the health care
54 15 services of a medical school academic staff member or as
54 16 otherwise specified in the special license.

54 17 Sec. 97. Section 148.12, Code 2007, is amended to read as
54 18 follows:

54 19 148.12 VOLUNTARY AGREEMENTS.

54 20 The ~~medical examiners board~~, after due notice and hearing,
54 21 may issue an order to revoke, suspend, or restrict a license
54 22 to practice medicine and surgery, osteopathic medicine and
54 23 surgery, or osteopathy, or to issue a restricted license on
54 24 application if the ~~medical examiners determine board~~
~~54 25 determines~~ that a physician licensed to practice medicine and
54 26 surgery, osteopathic medicine and surgery, or osteopathy, or
54 27 an applicant for licensure has entered into a voluntary
54 28 agreement to restrict the practice of medicine and surgery,
54 29 osteopathic medicine and surgery, or osteopathy in another
54 30 state, district, territory, country, or an agency of the
54 31 federal government. A certified copy of the voluntary
54 32 agreement shall be considered prima facie evidence.

54 33 Sec. 98. Section 148.13, Code 2007, is amended to read as
54 34 follows:

54 35 148.13 AUTHORITY OF BOARD AS TO SUPERVISING PHYSICIANS AND
55 1 REVIEW OF CONTESTED CASES UNDER CHAPTER 148C == RULES.

55 2 1. The board of ~~medical examiners~~ medicine shall adopt
55 3 rules setting forth in detail its criteria and procedures for
55 4 determining the ineligibility of a physician to serve as a
55 5 supervising physician under chapter 148C. The rules shall
55 6 provide that a physician may serve as a supervising physician
55 7 under chapter 148C until such time as the board of medicine
55 8 determines, following normal disciplinary procedures, that the
55 9 physician is ineligible to serve in that capacity.

55 10 2. The board of ~~medical examiners~~ medicine shall establish
55 11 by rule specific procedures for consulting with and
55 12 considering the advice of the board of physician ~~assistant~~
~~55 13 examiners assistants~~ in determining whether to initiate a
55 14 disciplinary proceeding under chapter 17A against a licensed
55 15 physician in a matter involving the supervision of a physician
55 16 assistant.

55 17 3. In exercising their respective authorities, the board
55 18 of ~~medical examiners~~ medicine and the board of physician
55 19 ~~assistant examiners assistants~~ shall cooperate with the goal
55 20 of encouraging the utilization of physician assistants in a
55 21 manner that is consistent with the provision of quality health
55 22 care and medical services for the citizens of Iowa.

55 23 4. The board of ~~medical examiners~~ medicine shall adopt
55 24 rules requiring a physician serving as a supervising physician
55 25 to notify the board of medicine of the identity of a physician
55 26 assistant the physician is supervising, and of any change in

55 27 the status of the supervisory relationship.
55 28 Sec. 99. Section 148A.1, Code 2007, is amended by adding
55 29 the following unnumbered paragraph:
55 30 NEW UNNUMBERED PARAGRAPH. As used in this chapter, "board"
55 31 means the board of physical and occupational therapy, created
55 32 under chapter 147.
55 33 Sec. 100. Section 148A.4, Code 2007, is amended to read as
55 34 follows:
55 35 148A.4 REQUIREMENTS TO PRACTICE.
56 1 Each applicant for a license to practice physical therapy
56 2 shall:
56 3 1. Complete a course of study in, and hold a diploma or
56 4 certificate issued by, a school of physical therapy accredited
56 5 by the American physical therapy association or another
56 6 appropriate accrediting body, and meet requirements as
56 7 established by rules of the board of physical and occupational
~~56 8 therapy examiners.~~
56 9 2. Have passed an examination administered by the board of
~~56 10 physical and occupational therapy examiners.~~
56 11 Sec. 101. Section 148A.6, Code 2007, is amended to read as
56 12 follows:
56 13 148A.6 PHYSICAL THERAPIST ASSISTANT.
56 14 1. A licensed physical therapist assistant is required to
56 15 function under the direction and supervision of a licensed
56 16 physical therapist to perform physical therapy procedures
56 17 delegated and supervised by the licensed physical therapist in
56 18 a manner consistent with the rules adopted by the board of
~~56 19 physical and occupational therapy examiners.~~ Selected and
56 20 delegated tasks of physical therapist assistants may include,
56 21 but are not limited to, therapeutic procedures and related
56 22 tasks, routine operational functions, documentation of
56 23 treatment progress, and the use of selected physical agents.
56 24 The ability of the licensed physical therapist assistant to
56 25 perform the selected and delegated tasks shall be assessed on
56 26 an ongoing basis by the supervising physical therapist. The
56 27 licensed physical therapist assistant shall not interpret
56 28 referrals, perform initial evaluation or reevaluations,
56 29 initiate physical therapy treatment programs, change specified
56 30 treatment programs, or discharge a patient from physical
56 31 therapy services.
56 32 2. Each applicant for a license to practice as a physical
56 33 therapist assistant shall:
56 34 a. Successfully complete a course of study for the
56 35 physical therapist assistant accredited by the commission on
57 1 accreditation in education of the American physical therapy
57 2 association, or another appropriate accrediting body, and meet
57 3 other requirements established by the rules of the board of
~~57 4 physical and occupational therapy examiners.~~
57 5 b. Have passed an examination administered by the board of
~~57 6 physical and occupational therapy examiners.~~
57 7 3. This section does not prevent a person not licensed as
57 8 a physical therapist assistant from performing services
57 9 ordinarily performed by a physical therapy aide, assistant, or
57 10 technician, provided that the person does not represent to the
57 11 public that the person is a licensed physical therapist
57 12 assistant, or use the title "physical therapist assistant" or
57 13 the letters "P.T.A.", and provided that the person performs
57 14 services consistent with the supervision requirements of the
57 15 board of physical and occupational therapy examiners for
57 16 persons not licensed as physical therapist assistants.
57 17 Sec. 102. Section 148B.2, subsection 1, Code 2007, is
57 18 amended to read as follows:
57 19 1. "Board" means the board of physical and occupational
57 20 therapy examiners, created under chapter 147.
57 21 Sec. 103. Section 148B.7, Code 2007, is amended to read as
57 22 follows:
57 23 148B.7 BOARD OF PHYSICAL AND OCCUPATIONAL THERAPY
57 24 EXAMINERS == POWERS AND DUTIES.
57 25 The board shall adopt rules relating to professional
57 26 conduct to carry out the policy of this chapter, including but
57 27 not limited to rules relating to professional licensing and to
57 28 the establishment of ethical standards of practice for persons
57 29 holding a license to practice occupational therapy in this
57 30 state.
57 31 Sec. 104. Section 148B.8, Code 2007, is amended to read as
57 32 follows:
57 33 148B.8 BOARD OF PHYSICAL AND OCCUPATIONAL THERAPY
57 34 EXAMINERS == ADMINISTRATIVE PROVISIONS.
57 35 The board may employ an executive secretary and officers
58 1 and employees as necessary, and shall determine their duties
58 2 and fix their compensation.

58 3 Sec. 105. Section 148C.1, subsection 2, Code 2007, is
58 4 amended to read as follows:

58 5 2. "Board" means the board of physician ~~assistant~~
~~58 6 examiners assistants, created under chapter 147.~~

58 7 Sec. 106. Section 148C.3, subsection 6, Code 2007, is
58 8 amended to read as follows:

58 9 6. The board shall adopt rules pursuant to this section
58 10 after consultation with the board of ~~medical examiners~~
58 11 medicine.

58 12 Sec. 107. Section 148E.1, subsection 3, Code 2007, is
58 13 amended to read as follows:

58 14 3. "Board" means the board of ~~medical examiners~~ medicine,
58 15 established in chapter 147.

58 16 Sec. 108. Section 149.1, Code 2007, is amended by adding
58 17 the following new subsection:

58 18 NEW SUBSECTION. 1A. As used in this chapter, "board"
58 19 means the board of podiatry, created under chapter 147.

58 20 Sec. 109. Section 149.3, subsection 2, Code 2007, is
58 21 amended to read as follows:

58 22 2. Present an official transcript issued by a school of
58 23 podiatry approved by the board of ~~podiatry examiners~~.

58 24 Sec. 110. Section 149.4, Code 2007, is amended to read as
58 25 follows:

58 26 149.4 APPROVED SCHOOL.

58 27 A school of podiatry shall not be approved by the board of
~~58 28 podiatry examiners~~ as a school of recognized standing unless
58 29 the school:

58 30 1. Requires for graduation or the receipt of any podiatric
58 31 degree the completion of a course of study covering a period
58 32 of at least eight months in each of four calendar years.

58 33 2. ~~After January 1, 1962, a~~ A school of podiatry shall not
58 34 be approved by the board of ~~podiatry examiners~~ which does not
58 35 have as an additional entrance requirement two years study in
59 1 a recognized college, university, or academy.

59 2 Sec. 111. Section 149.7, Code 2007, is amended to read as
59 3 follows:

59 4 149.7 TEMPORARY CERTIFICATE.

59 5 The ~~podiatry examiners~~ board may issue a temporary
59 6 certificate authorizing the licensee named in the certificate
59 7 to practice podiatry if, in the opinion of the ~~podiatry~~
~~59 8 examiners board~~, a need exists and the person possesses the
59 9 qualifications prescribed by the ~~podiatry examiners~~ board for
59 10 the certificate, which shall be substantially equivalent to
59 11 those required for regular licensure under this chapter. The
59 12 ~~podiatry examiners board~~ shall determine in each instance the
59 13 applicant's eligibility for the certificate, whether or not an
59 14 examination shall be given, and the type of examination. The
59 15 requirements of the law pertaining to regular permanent
59 16 licensure shall not be mandatory for this temporary
59 17 certificate except as specifically designated by the ~~podiatry~~
~~59 18 examiners board~~. The granting of a temporary certificate does
59 19 not in any way indicate that the person licensed is
59 20 necessarily eligible for regular licensure, and the ~~podiatry~~
~~59 21 examiners are board~~ is not obligated to license the person.

59 22 The temporary certificate shall be issued for one year and
59 23 may be renewed, but a person shall not be entitled to practice
59 24 podiatry in excess of three years while holding a temporary
59 25 certificate. The fee for this certificate shall be set by the
59 26 ~~podiatry examiners board~~, and if extended beyond one year, a
59 27 renewal fee per year shall be set by the ~~podiatry examiners~~
59 28 board. The fees shall be based on the administrative costs of
59 29 issuing and renewing the certificates.

59 30 Sec. 112. Section 150.11, Code 2007, is amended to read as
59 31 follows:

59 32 150.11 OSTEOPATHY DISCONTINUED.

59 33 After May 10, 1963, no license to practice osteopathy shall
59 34 be issued, provided that the Iowa department of public health
59 35 shall issue renewal licenses to practice osteopathy as
60 1 provided in chapter 147 and the department, upon
60 2 recommendation of the ~~medical examiners board of medicine~~, may
60 3 grant a license to practice osteopathy by reciprocity or
60 4 endorsement if the applicant holds a valid license to practice
60 5 osteopathy or osteopathic medicine and surgery issued by
60 6 another state prior to May 10, 1963.

60 7 Sec. 113. NEW SECTION. 150A.1A DEFINITION.

60 8 As used in this chapter, "board" means the board of
60 9 medicine, created under chapter 147.

60 10 Sec. 114. Section 150A.2, subsection 3, Code 2007, is
60 11 amended to read as follows:

60 12 3. Students of medicine or surgery or osteopathic medicine
60 13 and surgery, who have completed at least two years study in a

60 14 medical school or college of osteopathic medicine and surgery
60 15 approved by the ~~medical examiners board~~, and who prescribe
60 16 medicine under the supervision of a licensed physician and
60 17 surgeon or osteopathic physician and surgeon, or who render
60 18 gratuitous service to persons in case of emergency.

60 19 Sec. 115. Section 150A.3, Code 2007, is amended to read as
60 20 follows:

60 21 150A.3 REQUIREMENTS TO PRACTICE.

60 22 Each applicant for a license to practice osteopathic
60 23 medicine and surgery shall:

60 24 1. Either comply with all of the following:

60 25 a. Present a diploma issued, after May 10, 1963, by a
60 26 college of osteopathic medicine and surgery approved by the
60 27 ~~medical examiners board~~ or present other evidence of
60 28 equivalent medical education approved by the ~~medical examiners~~
60 29 ~~board~~.

60 30 b. Pass an examination prescribed by the ~~medical examiners~~
60 31 ~~board~~ in subjects including anatomy, chemistry, physiology,
60 32 materia medica and therapeutics, obstetrics, pathology,
60 33 medicine, public health and hygiene, and surgery. The board
60 34 of ~~medical examiners~~ may require written, oral, and practical
60 35 examinations of the applicant.

61 1 c. Present to the Iowa department of public health
61 2 satisfactory evidence that the applicant has completed one
61 3 year of internship or resident training in a hospital approved
61 4 for such training by the ~~medical examiners board~~.

61 5 2. Or comply with the following:

61 6 a. Present a valid license to practice osteopathy in this
61 7 state together with satisfactory evidence that the applicant
61 8 has completed either: (1) a two-year postgraduate course, of
61 9 nine months each, in an accredited college of osteopathy,
61 10 osteopathic medicine and surgery or medicine approved by the
61 11 board of ~~medical examiners of Iowa~~, involving a thorough and
61 12 intensive study of the subject of surgery as prescribed by
61 13 ~~such medical examiners the board~~, or (2) a one-year
61 14 postgraduate course of nine months in such accredited college,
61 15 and in addition thereto, has completed a one-year course of
61 16 training as a surgical assistant in a hospital having at least
61 17 twenty-five beds for patients and equipped for doing surgical
61 18 work.

61 19 b. Pass an examination as prescribed by the ~~medical~~
61 20 ~~examiners board~~ in the subject of surgery, which shall be of
61 21 such character as to thoroughly test the qualifications of the
61 22 applicant as a practitioner of major surgery.

61 23 Sec. 116. Section 150A.4, Code 2007, is amended to read as
61 24 follows:

61 25 150A.4 APPROVED COLLEGES.

61 26 Any college of osteopathic medicine and surgery which does
61 27 not permit the ~~medical examiners board~~ to make such reasonable
61 28 annual inspection as ~~they desire the board desires~~ shall not
61 29 be approved by the ~~medical examiners board~~. Until July 1,
61 30 1968, any college of osteopathic medicine and surgery which is
61 31 accredited by the American ~~Osteopathic Association~~ osteopathic
61 32 association shall, by virtue thereof, stand as provisionally
61 33 approved by the ~~medical examiners board~~ unless the ~~medical~~
61 34 ~~examiners board~~, by majority action including the osteopathic
61 35 physician and surgeon member, shall disapprove.

62 1 Sec. 117. Section 150A.7, Code 2007, is amended to read as
62 2 follows:

62 3 150A.7 NATIONAL BOARD CERTIFICATE.

62 4 The Iowa department of public health may, with the approval
62 5 of the ~~medical examiners board~~, accept in lieu of the
62 6 examination prescribed in section 150A.3 a certificate of
62 7 examination issued by the ~~National Board~~ national board of
62 8 ~~Osteopathic Examiners~~ osteopathic examiners of the United
62 9 States of America, but every applicant for a license upon the
62 10 basis of such certificate shall be required to pay the fee
62 11 prescribed for license issued under reciprocal agreements.

62 12 Sec. 118. Section 150A.9, Code 2007, is amended to read as
62 13 follows:

62 14 150A.9 RESIDENT LICENSE.

62 15 An osteopathic physician and surgeon, who is a graduate of
62 16 a college of osteopathic medicine and surgery and is serving
62 17 as a resident physician and who is not licensed to practice
62 18 osteopathic medicine and surgery in this state, shall be
62 19 required to obtain from the ~~medical examiners board~~ a license
62 20 to practice as a resident osteopathic physician and surgeon.
62 21 The license shall be designated "Resident Osteopathic
62 22 Physician and Surgeon License", and shall authorize the
62 23 licensee to serve as a resident physician only, under the
62 24 supervision of a licensed practitioner of osteopathic medicine

62 25 and surgery or licensed practitioner of medicine and surgery,
62 26 in an institution approved for such training by the ~~medical~~
62 27 ~~examiners board~~. A license shall be valid for a duration as
62 28 determined by the board. The fee for each license shall be
62 29 set by the ~~medical-examiners board~~ and based on the
62 30 administrative cost of issuing the license. The ~~medical~~
62 31 ~~examiners board~~ shall determine in each instance those
62 32 eligible for a license, whether or not examinations shall be
62 33 given, and the type of examinations. Requirements of the law
62 34 pertaining to regular permanent licensure shall not be
62 35 mandatory for a resident osteopathic physician and surgeon's
63 1 license except as specifically designated by the ~~medical~~
63 2 ~~examiners board~~. The granting of a resident osteopathic
63 3 physician and surgeon's license does not in any way indicate
63 4 that the person licensed is necessarily eligible for regular
63 5 permanent licensure, ~~nor are or that the medical-examiners in~~
63 6 ~~any way board is~~ obligated to license the ~~individual person~~.

63 7 Sec. 119. NEW SECTION. 151.1A BOARD DEFINED.

63 8 As used in this chapter, "board" means the board of
63 9 chiropractic, created under chapter 147.

63 10 Sec. 120. Section 151.2, subsection 3, Code 2007, is
63 11 amended to read as follows:

63 12 3. Students of chiropractic who have entered upon a
63 13 regular course of study in a chiropractic college approved by
63 14 the ~~chiropractic-examiners board~~, who practice chiropractic
63 15 under the direction of a licensed chiropractor and in
63 16 accordance with the rules of ~~said-examiners the board~~.

63 17 Sec. 121. Section 151.3, subsections 2 and 3, Code 2007,
63 18 are amended to read as follows:

63 19 2. Present a diploma issued by a college of chiropractic
63 20 approved by the ~~chiropractic-examiners board~~.

63 21 3. Pass an examination prescribed by the ~~chiropractic~~
63 22 ~~examiners board~~ in the subjects of anatomy, physiology,
63 23 nutrition and dietetics, symptomatology and diagnosis, hygiene
63 24 and sanitation, chemistry, histology, pathology, and
63 25 principles and practice of chiropractic, including a clinical
63 26 demonstration of vertebral palpation, nerve tracing, and
63 27 adjusting.

63 28 Sec. 122. Section 151.4, unnumbered paragraph 1, Code
63 29 2007, is amended to read as follows:

63 30 ~~No~~ A college of chiropractic shall not be approved by the
63 31 ~~chiropractic-examiners board~~ as a college of recognized
63 32 standing unless ~~said the~~ college:

63 33 Sec. 123. Section 151.8, Code 2007, is amended to read as
63 34 follows:

63 35 151.8 TRAINING IN PROCEDURES USED IN PRACTICE.

64 1 A chiropractor shall not use in the chiropractor's practice
64 2 the procedures otherwise authorized by law unless the
64 3 chiropractor has received training in their use by a college
64 4 of chiropractic offering courses of instructions approved by
64 5 the board of ~~chiropractic-examiners~~.

64 6 Any chiropractor licensed as of July 1, 1974, may use the
64 7 procedures authorized by law if the chiropractor files with
64 8 the board of ~~chiropractic-examiners~~ an affidavit that the
64 9 chiropractor has completed the necessary training and is fully
64 10 qualified in these procedures and possesses that degree of
64 11 proficiency and will exercise that care which is common to
64 12 physicians in this state.

64 13 A chiropractor using the additional procedures and
64 14 practices authorized by this ~~Act~~ chapter shall be held to the
64 15 standard of care applicable to any other health care
64 16 practitioner in this state.

64 17 Sec. 124. Section 151.11, Code 2007, is amended to read as
64 18 follows:

64 19 151.11 RULES.

64 20 The board of ~~chiropractic-examiners~~ shall adopt rules
64 21 necessary to administer section 151.1, to protect the health,
64 22 safety, and welfare of the public, including rules governing
64 23 the practice of chiropractic and defining any terms, whether
64 24 or not specified in section 151.1, subsection 3. Such rules
64 25 shall not be inconsistent with the practice of chiropractic
64 26 and shall not expand the scope of practice of chiropractic or
64 27 authorize the use of procedures not authorized by this
64 28 chapter. These rules shall conform with chapter 17A.

64 29 Sec. 125. Section 151.12, Code 2007, is amended to read as
64 30 follows:

64 31 151.12 TEMPORARY CERTIFICATE.

64 32 The ~~chiropractic-examiners board~~ may, in ~~their~~ its
64 33 discretion, issue a temporary certificate authorizing the
64 34 licensee to practice chiropractic if, in the opinion of the
64 35 chiropractic examiners, a need exists and the person possesses

65 1 the qualifications prescribed by the ~~chiropractic examiners~~
65 2 board for the license, which shall be substantially equivalent
65 3 to those required for licensure under this chapter. The
65 4 ~~chiropractic examiners board~~ shall determine in each instance
65 5 those eligible for this license, whether or not examinations
65 6 shall be given, the type of examinations, and the duration of
65 7 the license. No requirements of the law pertaining to regular
65 8 permanent licensure are mandatory for this temporary license
65 9 except as specifically designated by the ~~chiropractic~~
65 10 ~~examiners board~~. The granting of a temporary license does not
65 11 in any way indicate that the person so licensed is eligible
65 12 for regular licensure, ~~nor are or that the chiropractic~~
65 13 ~~examiners in any way board is~~ obligated to so license the
65 14 person.

65 15 The temporary certificate shall be issued for one year and
65 16 at the discretion of the ~~chiropractic examiners board~~ may be
65 17 renewed, but a person shall not practice chiropractic in
65 18 excess of three years while holding a temporary certificate.
65 19 The fee for this license shall be set by the ~~chiropractic~~
65 20 ~~examiners board~~, and if extended beyond one year, a renewal
65 21 fee per year shall be set by the ~~chiropractic examiners board~~.
65 22 The fee for the temporary license shall be based on the
65 23 administrative costs of issuing the licenses.

65 24 Sec. 126. Section 152.1, subsection 3, Code 2007, is
65 25 amended to read as follows:

65 26 3. "Physician" means a person licensed in this state to
65 27 practice medicine and surgery, osteopathy and surgery, or
65 28 osteopathy, or a person licensed in this state to practice
65 29 dentistry or podiatry when acting within the scope of the
65 30 license. A physician licensed to practice medicine and
65 31 surgery, osteopathic medicine and surgery, or osteopathy in a
65 32 state bordering this state shall be considered a physician for
65 33 purposes of this chapter unless previously determined to be
65 34 ineligible for such consideration by the ~~Iowa board of medical~~
65 35 ~~examiners medicine~~.

66 1 Sec. 127. Section 152A.1, subsection 1, Code 2007, is
66 2 amended to read as follows:

66 3 1. "Board" means the board of ~~dietetic examiners~~
66 4 dietetics, created under chapter 147.

66 5 Sec. 128. Section 152B.1, subsection 1, Code 2007, is
66 6 amended to read as follows:

66 7 1. "Board" means the ~~state~~ board for respiratory care,
66 8 created under chapter 147.

66 9 Sec. 129. Section 152B.13, subsection 1, unnumbered
66 10 paragraph 1, Code 2007, is amended to read as follows:

66 11 ~~A state~~ The board for respiratory care is established to
66 12 administer this chapter. Membership of the board shall be
66 13 established pursuant to section 147.14, subsection 15.

66 14 Sec. 130. Section 152C.1, subsection 1, Code 2007, is
66 15 amended to read as follows:

66 16 1. "Board" means the board of ~~examiners for~~ massage
66 17 therapy, created under chapter 147.

66 18 Sec. 131. Section 152D.1, subsection 5, Code 2007, is
66 19 amended to read as follows:

66 20 5. "Board" means the board of ~~examiners for~~ athletic
66 21 training, created under chapter 147.

66 22 Sec. 132. NEW SECTION. 153.12 BOARD DEFINED.

66 23 As used in this chapter, "board" means the board of
66 24 dentistry, created under chapter 147.

66 25 Sec. 133. Section 153.14, subsection 1, Code 2007, is
66 26 amended to read as follows:

66 27 1. Students of dentistry who practice dentistry upon
66 28 patients at clinics in connection with their regular course of
66 29 instruction at the state dental college, students of dental
66 30 hygiene who practice upon patients at clinics in connection
66 31 with their regular course of instruction at state-approved
66 32 schools, and students of dental assisting who practice upon
66 33 patients at clinics in connection with a regular course of
66 34 instruction determined by the board of ~~dentistry~~ pursuant to
66 35 section 153.39.

67 1 Sec. 134. Section 153.15, Code 2007, is amended to read as
67 2 follows:

67 3 153.15 DENTAL HYGIENISTS == SCOPE OF TERM.

67 4 A licensed dental hygienist may perform those services
67 5 which are educational, therapeutic, and preventive in nature
67 6 which attain or maintain optimal oral health as determined by
67 7 the board of ~~dentistry~~ and may include but are not necessarily
67 8 limited to complete oral prophylaxis, application of
67 9 preventive agents to oral structures, exposure and processing
67 10 of radiographs, administration of medicaments prescribed by a
67 11 licensed dentist, obtaining and preparing nonsurgical,

67 12 clinical and oral diagnostic tests for interpretation by the
67 13 dentist, and preparation of preliminary written records of
67 14 oral conditions for interpretation by the dentist. Such
67 15 services shall be performed under supervision of a licensed
67 16 dentist and in a dental office, a public or private school,
67 17 public health agencies, hospitals, and the armed forces, but
67 18 nothing herein shall be construed to authorize a dental
67 19 hygienist to practice dentistry.

67 20 Sec. 135. Section 153.22, Code 2007, is amended to read as
67 21 follows:

67 22 153.22 RESIDENT LICENSE.

67 23 A dentist or dental hygienist who is serving only as a
67 24 resident, intern, or graduate student and who is not licensed
67 25 to practice in this state is required to obtain from the board
67 26 ~~of dentistry~~ a temporary or special license to practice as a
67 27 resident, intern, or graduate student. The license shall be
67 28 designated "Resident License" and shall authorize the licensee
67 29 to serve as a resident, intern, or graduate student only,
67 30 under the supervision of a licensed practitioner, in an
67 31 institution approved for this purpose by the board. Such
67 32 license shall be renewed at the discretion of the board. The
67 33 fee for a resident license and the renewal fee shall be set by
67 34 the board based upon the cost of issuance of the license. The
67 35 board shall determine in each instance those eligible for a
68 1 resident license, whether or not examinations shall be given,
68 2 and the type of examination. None of the requirements for
68 3 regular permanent licensure are mandatory for resident
68 4 licensure except as specifically designated by the board. The
68 5 issuance of a resident license shall not in any way indicate
68 6 that the person so licensed is necessarily eligible for
68 7 regular licensure, ~~nor is or that the board in any way is~~
68 8 obligated to so license ~~such individual the person~~. The board
68 9 may revoke a resident license at any time it shall determine
68 10 either that the caliber of work done by a licensee or the type
68 11 of supervision being given such licensee does not conform to
68 12 reasonable standards established by the board.

68 13 Sec. 136. Section 153.33, subsection 2, Code 2007, is
68 14 amended to read as follows:

68 15 2. To appoint investigators, who shall not be members of
68 16 the ~~examining~~ board, to administer and aid in the enforcement
68 17 of the provisions of law relating to those persons licensed to
68 18 practice dentistry and dental hygiene, and persons registered
68 19 as dental assistants. The amount of compensation for the
68 20 investigators shall be determined pursuant to chapter 8A,
68 21 subchapter IV. Investigators authorized by the board ~~of~~
68 22 ~~dental examiners~~ have the powers and status of peace officers
68 23 when enforcing this chapter and chapters 147 and 272C.

68 24 Sec. 137. Section 153.33A, subsection 1, Code 2007, is
68 25 amended to read as follows:

68 26 1. A three-member dental hygiene committee of the board ~~of~~
68 27 ~~dental examiners~~ is created, consisting of the two dental
68 28 hygienist members of the board and one dentist member of the
68 29 board. The dentist member of the committee must have
68 30 supervised and worked in collaboration with a dental hygienist
68 31 for a period of at least three years immediately preceding
68 32 election to the committee. The dentist member shall be
68 33 elected to the committee annually by a majority vote of board
68 34 members.

68 35 Sec. 138. Section 153.34, subsection 4, Code 2007, is
69 1 amended to read as follows:

69 2 4. For willful or repeated violations of this chapter,
69 3 this subtitle, or the rules of the ~~state~~ board ~~of dentistry~~.

69 4 Sec. 139. Section 153.36, subsections 2 and 3, Code 2007,
69 5 are amended to read as follows:

69 6 2. In addition to the provisions of section 272C.2,
69 7 subsection 4, a person licensed by the board ~~of dental~~
69 8 ~~examiners~~ shall also be deemed to have complied with
69 9 continuing education requirements of this state if, during
69 10 periods that the person practiced the profession in another
69 11 state or district, the person met all of the continuing
69 12 education and other requirements of that state or district for
69 13 the practice of the occupation or profession.

69 14 3. Notwithstanding the panel composition provisions in
69 15 section 272C.6, subsection 1, the ~~board of dental examiners~~
69 16 ~~board's~~ disciplinary hearing panels shall be comprised of
69 17 three board members, at least two of which are licensed in the
69 18 profession.

69 19 Sec. 140. Section 153.37, Code 2007, is amended to read as
69 20 follows:

69 21 153.37 DENTAL COLLEGE AND DENTAL HYGIENE PROGRAM FACULTY
69 22 PERMITS.

69 23 The ~~state board of dental examiners~~ may issue a faculty
69 24 permit entitling the holder to practice dentistry or dental
69 25 hygiene within a college of dentistry or a dental hygiene
69 26 program and affiliated teaching facilities as an adjunct to
69 27 the faculty member's teaching position, associated
69 28 responsibilities, and functions. The dean of the college of
69 29 dentistry or chairperson of a dental hygiene program shall
69 30 certify to the ~~state board of dental examiners~~ those bona fide
69 31 members of the college's or a dental hygiene program's faculty
69 32 who are not licensed and registered to practice dentistry or
69 33 dental hygiene in Iowa. Any faculty member so certified
69 34 shall, prior to commencing the member's duties in the college
69 35 of dentistry or a dental hygiene program, make written
70 1 application to the ~~state board of dental examiners~~ for a
70 2 permit. The permit shall be for a period determined by the
70 3 board and may be renewed at the discretion of the ~~state board~~
70 4 ~~of dental examiners~~. The fee for the faculty permit and the
70 5 renewal shall be set by the ~~state board of dental examiners~~
70 6 based upon the administrative cost of issuance of the permit.
70 7 The fee shall be deposited in the same manner as fees provided
70 8 for in section 147.82. The faculty permit shall be valid
70 9 during the time the holder remains a member of the faculty and
70 10 shall subject the holder to all provisions of this chapter.
70 11 Sec. 141. Section 153.38, Code 2007, is amended to read as
70 12 follows:

70 13 153.38 DENTAL ASSISTANTS == SCOPE OF PRACTICE.

70 14 A registered dental assistant may perform those services of
70 15 assistance to a licensed dentist as determined by the board ~~of~~
~~70 16 dentistry~~ by rule. Such services shall be performed under
70 17 supervision of a licensed dentist in a dental office, a public
70 18 or private school, public health agencies, hospitals, and the
70 19 armed forces, but shall not be construed to authorize a dental
70 20 assistant to practice dentistry or dental hygiene. Every
70 21 licensed dentist who utilizes the services of a registered
70 22 dental assistant for the purpose of assistance in the practice
70 23 of dentistry shall be responsible for acts delegated to the
70 24 registered dental assistant. A dentist shall delegate to a
70 25 registered dental assistant only those acts which are
70 26 authorized to be delegated to registered dental assistants by
70 27 the board ~~of dentistry~~.

70 28 Sec. 142. Section 154.1, Code 2007, is amended to read as
70 29 follows:

70 30 154.1 BOARD DEFINED == OPTOMETRY == CERTIFIED LICENSED

70 31 OPTOMETRISTS == THERAPEUTICALLY CERTIFIED OPTOMETRISTS.

70 32 1. As used in this chapter, "board" means the board of
70 33 optometry, created under chapter 147.

70 34 2. For the purpose of this subtitle, the following classes
70 35 of persons shall be deemed to be engaged in the practice of

71 1 optometry:

71 2 ~~1.~~ a. Persons employing any means other than the use of
71 3 drugs, medicine, or surgery for the measurement of the visual
71 4 power and visual efficiency of the human eye; the prescribing
71 5 and adapting of lenses, prisms and contact lenses, and the
71 6 using or employing of visual training or ocular exercise, for
71 7 the aid, relief, or correction of vision.

71 8 ~~2.~~ b. Persons who allow the public to use any mechanical
71 9 device for such purpose.

71 10 ~~3.~~ c. Persons who publicly profess to be optometrists and
71 11 to assume the duties incident to said profession.

71 12 3. Certified licensed optometrists may employ
71 13 cycloplegics, mydriatics, and topical anesthetics as
71 14 diagnostic agents topically applied to determine the condition
71 15 of the human eye for proper optometric practice or referral
71 16 for treatment to a person licensed under chapter 148 or 150A.
71 17 A certified licensed optometrist is an optometrist who is
71 18 licensed to practice optometry in this state and who is
71 19 certified by the board ~~of optometry examiners~~ to use
71 20 diagnostic agents. A certified licensed optometrist shall be
71 21 provided with a distinctive certificate by the board which
71 22 shall be displayed for viewing by the patients of the
71 23 optometrist.

71 24 4. Therapeutically certified optometrists may employ all
71 25 diagnostic and therapeutic pharmaceutical agents for the
71 26 purpose of diagnosis and treatment of conditions of the human
71 27 eye and adnexa pursuant to this paragraph, excluding the use
71 28 of injections other than to counteract an anaphylactic
71 29 reaction, and notwithstanding section 147.107, may without
71 30 charge supply any of the above pharmaceuticals to commence a
71 31 course of therapy. Therapeutically certified optometrists may
71 32 prescribe oral steroids for a period not to exceed fourteen
71 33 days without consultation with a primary care physician.

71 34 Therapeutically certified optometrists shall not prescribe
71 35 oral Imuran or oral Methotrexate. Therapeutically certified
72 1 optometrists may be authorized, where reasonable and
72 2 appropriate, by rule of the board, to employ new diagnostic
72 3 and therapeutic pharmaceutical agents approved by the United
72 4 States food and drug administration on or after July 1, 2002,
72 5 for the diagnosis and treatment of the human eye and adnexa.
72 6 The board shall not be required to adopt rules relating to
72 7 topical pharmaceutical agents, oral antimicrobial agents, oral
72 8 antihistamines, oral antiglaucoma agents, and oral analgesic
72 9 agents. Superficial foreign bodies may be removed from the
72 10 human eye and adnexa. The therapeutic efforts of a
72 11 therapeutically certified optometrist are intended for the
72 12 purpose of examination, diagnosis, and treatment of visual
72 13 defects, abnormal conditions, and diseases of the human eye
72 14 and adnexa, for proper optometric practice or referral for
72 15 consultation or treatment to persons licensed under chapter
72 16 148 or 150A. A therapeutically certified optometrist is an
72 17 optometrist who is licensed to practice optometry in this
72 18 state and who is certified by the board ~~of optometry examiners~~
72 19 to use the agents and procedures authorized pursuant to this
72 20 paragraph. A therapeutically certified optometrist shall be
72 21 provided with a distinctive certificate by the board which
72 22 shall be displayed for viewing by the patients of the
72 23 optometrist.

72 24 Sec. 143. Section 154.3, subsections 3, 4, 5, 6, and 8,
72 25 Code 2007, are amended to read as follows:

72 26 3. A person licensed as an optometrist prior to January 1,
72 27 1980, who applies to be a certified licensed optometrist shall
72 28 first satisfactorily complete a course consisting of at least
72 29 one hundred contact hours in pharmacology as it applies to
72 30 optometry including clinical training as it applies to
72 31 optometry with particular emphasis on the topical application
72 32 of diagnostic agents to the human eye and possible adverse
72 33 reactions thereto, for the purpose of examination of the human
72 34 eye and the diagnosis of conditions of the human eye, provided
72 35 by an institution accredited by a regional or professional
73 1 accreditation organization which is recognized or approved by
73 2 the council on postsecondary accreditation or the United
73 3 States office of education, and approved by the board ~~of~~
73 4 ~~optometry examiners.~~

73 5 4. In addition to the examination required by subsection
73 6 1, paragraph "c", a person applying to be a certified licensed
73 7 optometrist shall also pass an examination prescribed by the
73 8 ~~optometry examiners board~~ in the subjects of physiology and
73 9 pathology appropriate to the use of diagnostic pharmaceutical
73 10 agents and diagnosis of conditions of the human eye, and
73 11 pharmacology including systemic effects of ophthalmic
73 12 diagnostic pharmaceutical agents and the possible adverse
73 13 reactions thereto, authorized for use by optometrists by
73 14 section 154.1.

73 15 5. A person applying to be licensed as an optometrist
73 16 after January 1, 1986, shall also apply to be a
73 17 therapeutically certified optometrist and shall, in addition
73 18 to satisfactorily completing all requirements for a license to
73 19 practice optometry, satisfactorily complete a course as
73 20 defined by rule of the ~~state board of optometry examiners~~ with
73 21 particular emphasis on the examination, diagnosis and
73 22 treatment of conditions of the human eye and adnexa provided
73 23 by an institution accredited by a regional or professional
73 24 accreditation organization which is recognized or approved by
73 25 the council on postsecondary accreditation of the United
73 26 States office of education, and approved by the board ~~of~~
73 27 ~~optometry examiners.~~ The ~~rule~~ rules of the board shall

73 28 require a course including a minimum of forty hours of
73 29 didactic education and sixty hours of approved supervised
73 30 clinical training in the examination, diagnosis, and treatment
73 31 of conditions of the human eye and adnexa. The board may
73 32 also, by rule, provide a procedure by which an applicant who
73 33 has received didactic education meeting the requirements of
73 34 rules adopted pursuant to this subsection at an approved
73 35 school of optometry may apply to the board for a waiver of the
74 1 didactic education requirements of this subsection.

74 2 6. A person licensed in any state as an optometrist prior
74 3 to January 1, 1986, who applies to be a therapeutically
74 4 certified optometrist shall first satisfactorily complete a
74 5 course as defined by rule of the board ~~of optometry examiners~~
74 6 with particular emphasis on the examination, diagnosis, and
74 7 treatment of conditions of the human eye and adnexa provided
74 8 by an institution accredited by a regional or professional
74 9 accreditation organization which is recognized or approved by

74 10 the council on postsecondary accreditation of the United
74 11 States office of education, and approved by the board of
~~74 12 optometry examiners.~~ The rule of the board shall require a
74 13 course including a minimum of forty hours of didactic
74 14 education and sixty hours of approved supervised clinical
74 15 training in the examination, diagnosis, and treatment of
74 16 conditions of the human eye and adnexa. Effective July 1,
74 17 1987, the board shall require that therapeutically certified
74 18 optometrists prior to the utilization of topical and oral
74 19 antiglaucoma agents, oral antimicrobial agents, and oral
74 20 analgesic agents shall complete an additional forty-four hours
74 21 of education with emphasis on treatment and management of
74 22 glaucoma and use of oral pharmaceutical agents for treatment
74 23 and management of ocular diseases, provided by an institution
74 24 accredited by a regional or professional accreditation
74 25 organization which is recognized or approved by the council on
74 26 postsecondary accreditation of the United States office of
74 27 education, and approved by the board of ~~optometry examiners.~~
74 28 Upon completion of the additional forty-four hours of
74 29 education, a therapeutically certified optometrist shall also
74 30 pass an oral or written examination prescribed by the board.
74 31 The board shall suspend the optometrist's therapeutic
74 32 certificate for failure to comply with this subsection by July
74 33 1, 1988.

74 34 The board shall adopt rules requiring an additional twenty
74 35 hours per biennium of continuing education in the treatment
75 1 and management of ocular disease for all therapeutically
75 2 certified optometrists. The department of ophthalmology of
75 3 the school of medicine of the state university of Iowa shall
75 4 be one of the providers of this continuing education.

75 5 8. In addition to the examination required by subsection
75 6 1, paragraph "c", a person applying to be a therapeutically
75 7 certified optometrist shall also pass an examination
75 8 prescribed by the board of ~~optometry examiners~~ in the
75 9 examination, diagnosis, and treatment of diseases of the human
75 10 eye and adnexa.

75 11 Sec. 144. Section 154.5, unnumbered paragraph 1, Code
75 12 2007, is amended to read as follows:

75 13 ~~No~~ A school of optometry shall not be approved by the
75 14 ~~optometry examiners board~~ as a school of recognized standing
75 15 unless ~~said~~ the school:

75 16 Sec. 145. Section 154A.1, subsection 1, Code 2007, is
75 17 amended to read as follows:

~~75 18 1. "Board" means the board of examiners for the licensing
75 19 and regulation of hearing aid dispensers.~~

75 20 Sec. 146. Section 154A.24, subsection 3, paragraph e, Code
75 21 2007, is amended to read as follows:

75 22 e. Representing that the service or advice of a person
75 23 licensed to practice medicine, or one who is certificated as a
75 24 clinical audiologist by the board of ~~examiners~~ of speech
75 25 pathology and audiology or its equivalent, will be used or
75 26 made available in the fitting or selection, adjustment,
75 27 maintenance, or repair of hearing aids when that is not true,
75 28 or using the words "doctor", "clinic", "clinical audiologist",
75 29 "state approved", or similar words, abbreviations, or symbols
75 30 which tend to connote the medical or other professions, except
75 31 where the title "certified hearing aid audiologist" has been
75 32 granted by the national hearing aid society, or that the
75 33 hearing aid dispenser has been recommended by this state or
75 34 the board when such is not accurate.

75 35 Sec. 147. Section 154C.1, subsection 1, Code 2007, is
76 1 amended to read as follows:

76 2 1. "Board" means the board of social work, ~~examiners~~
76 3 established in chapter 147.

76 4 Sec. 148. Section 154C.3, subsection 1, paragraph c,
76 5 subparagraph (5), Code 2007, is amended to read as follows:

76 6 (5) Supervision shall be provided in any of the following
76 7 manners:

76 8 (a) By a social worker licensed at least at the level of
76 9 the social worker being supervised and qualified under this
76 10 section to practice without supervision.

~~76 11 (b) By another qualified professional, if the board of
76 12 social work examiners~~ determines that supervision by a social
76 13 worker as defined in subparagraph subdivision (a) is
76 14 unobtainable or in other situations considered appropriate by
76 15 the board.

76 16 Additional standards for supervision shall be determined by
76 17 the board of ~~social work examiners.~~

76 18 Sec. 149. Section 154D.1, subsection 1, Code 2007, is
76 19 amended to read as follows:

76 20 1. "Board" means the board of behavioral science

76 21 ~~examiners, established in section 147.13 chapter 147.~~

76 22 Sec. 150. Section 154E.1, subsection 1, Code 2007, is
76 23 amended to read as follows:

76 24 1. "Board" means the board of ~~interpreter for the hearing~~
~~76 25 impaired examiners sign language interpreters and~~
76 26 ~~transliterators, established in chapter 147.~~

76 27 Sec. 151. Section 155.1, subsection 1, Code 2007, is
76 28 amended to read as follows:

76 29 1. "Board" means the ~~Iowa state~~ board of ~~examiners for~~
76 30 ~~nursing home administrators hereinafter created, established~~
76 31 ~~in chapter 147.~~

76 32 Sec. 152. Section 155.2, unnumbered paragraph 1, Code
76 33 2007, is amended to read as follows:

76 34 There is established a ~~state~~ board of ~~examiners for~~ nursing
76 35 home administrators which shall consist of nine members
77 1 appointed by the governor subject to confirmation by the
77 2 senate as follows:

77 3 Sec. 153. Section 155A.3, subsection 3, Code 2007, is
77 4 amended to read as follows:

77 5 3. "Board" means the board of pharmacy ~~examiners.~~

77 6 Sec. 154. Section 155A.21, subsection 2, Code 2007, is
77 7 amended to read as follows:

77 8 2. Subsection 1 does not apply to a licensed pharmacy,
77 9 licensed wholesaler, physician, veterinarian, dentist,
77 10 podiatric physician, therapeutically certified optometrist,
77 11 advanced registered nurse practitioner, physician assistant, a
77 12 nurse acting under the direction of a physician, or the board
77 13 of pharmacy ~~examiners~~, its officers, agents, inspectors, and
77 14 representatives, ~~nor or~~ to a common carrier, manufacturer's
77 15 representative, or messenger when transporting the drug or
77 16 device in the same unbroken package in which the drug or
77 17 device was delivered to that person for transportation.

77 18 Sec. 155. Section 155A.26, Code 2007, is amended to read
77 19 as follows:

77 20 155A.26 ENFORCEMENT == AGENTS AS PEACE OFFICERS.

77 21 The board of ~~pharmacy examiners~~, its officers, agents,
77 22 inspectors, and representatives, and all peace officers within
77 23 the state, and all county attorneys shall enforce all
77 24 provisions of this chapter, except those specifically
77 25 delegated, and shall cooperate with all agencies charged with
77 26 the enforcement of the laws of the United States, of this
77 27 state, and of all other states relating to prescription drugs.
77 28 Officers, agents, inspectors, and representatives of the board
77 29 of ~~pharmacy examiners~~ shall have the powers and status of
77 30 peace officers when enforcing the provisions of this chapter.

77 31 Sec. 156. Section 156.1, subsection 1, Code 2007, is
77 32 amended to read as follows:

77 33 1. "Board" means the board of mortuary science ~~examiners.~~

77 34 Sec. 157. Section 157.1, subsection 1, Code 2007, is
77 35 amended to read as follows:

78 1 1. "Board" means the board of cosmetology arts and
78 2 sciences ~~examiners.~~

78 3 Sec. 158. Section 157.1, subsection 6, paragraph e, Code
78 4 2007, is amended to read as follows:

78 5 e. Manicuring and pedicuring.

78 6 Sec. 159. Section 158.1, subsection 5, Code 2007, is
78 7 amended to read as follows:

78 8 5. "Board" means the board of ~~barber examiners~~ barbering.

78 9 Sec. 160. Section 205.6, Code 2007, is amended to read as
78 10 follows:

78 11 205.6 POISON REGISTER.

78 12 It shall be unlawful for any pharmacist to sell at retail
78 13 any of the poisons enumerated in section 205.5 unless the
78 14 pharmacist ascertains that the purchaser is aware of the
78 15 character of the drug and the purchaser represents that it is
78 16 to be used for a proper purpose and every sale of any poison
78 17 enumerated in section 205.5 shall be entered in a book kept
78 18 for that purpose, to be known as a "Poison Register" and the
78 19 same shall show the date of the sale, the name and address of
78 20 the purchaser, the name of the poison, the purpose for which
78 21 it was represented to be purchased, and the name of the
78 22 natural person making the sale, which book or books shall be
78 23 open for inspection by the board of pharmacy examiners, or any
78 24 magistrate or peace officer of this state, and preserved for
78 25 at least five years after the date of the last sale therein
78 26 recorded.

78 27 Sec. 161. Section 205.11, Code 2007, is amended to read as
78 28 follows:

78 29 205.11 ENFORCEMENT.

78 30 The provisions of this chapter and chapters 124 and 126
78 31 shall be administered and enforced by the board of pharmacy

78 32 ~~examiners~~. In discharging any duty or exercising any power
78 33 under those chapters, the board of pharmacy ~~examiners~~ shall be
78 34 governed by all the provisions of chapter 189, which govern
78 35 the department of agriculture and land stewardship when
79 1 discharging a similar duty or exercising a similar power with
79 2 reference to any of the articles dealt with in this subtitle,
79 3 to the extent that chapter 189 is not inconsistent with this
79 4 chapter and chapters 124 and 126.

79 5 Sec. 162. Section 205.12, Code 2007, is amended to read as
79 6 follows:

79 7 205.12 CHEMICAL ANALYSIS OF DRUGS.

79 8 Any chemical analysis deemed necessary by the board of
79 9 pharmacy ~~examiners~~ in the enforcement of this chapter and
79 10 chapters 124 and 126 shall be made by the department of
79 11 agriculture and land stewardship when requested by the board
79 12 of pharmacy ~~examiners~~.

79 13 Sec. 163. Section 205.13, Code 2007, is amended to read as
79 14 follows:

79 15 205.13 APPLICABILITY OF OTHER STATUTES.

79 16 Insofar as applicable the provisions of chapter 189 shall
79 17 apply to the articles dealt with in this chapter and chapters
79 18 124 and 126. The powers vested in the department of
79 19 agriculture and land stewardship by chapter 189 shall be
79 20 deemed for the purpose of this chapter and chapters 124 and
79 21 126 to be vested in the board of pharmacy ~~examiners~~.

79 22 Sec. 164. Section 232.69, subsection 3, paragraph a, Code
79 23 2007, is amended to read as follows:

79 24 a. For the purposes of this subsection, "licensing board"
79 25 means ~~an examining~~ a board designated in section 147.13, the
79 26 board of educational examiners created in section 272.2, or a
79 27 licensing board as defined in section 272C.1.

79 28 Sec. 165. Section 232.69, subsection 3, paragraph d,
79 29 subparagraph (1), Code 2007, is amended to read as follows:

79 30 (1) A continuing education program required under chapter
79 31 272C and approved by the appropriate licensing ~~or examining~~
79 32 board.

79 33 Sec. 166. Section 235A.15, subsection 2, paragraph d,
79 34 subparagraph (7), Code 2007, is amended to read as follows:

79 35 (7) Each ~~licensing~~ board of ~~examiners~~ specified under
80 1 chapter 147 and the Iowa department of public health for the
80 2 purpose of licensure, certification or registration,
80 3 disciplinary investigation, or the renewal of licensure,
80 4 certification or registration, or disciplinary proceedings of
80 5 health care professionals.

80 6 Sec. 167. Section 235B.6, subsection 2, paragraph b,
80 7 subparagraph (7), Code 2007, is amended to read as follows:

80 8 (7) Each board of ~~examiners~~ specified under chapter 147
80 9 and the Iowa department of public health for the purpose of
80 10 licensure, certification or registration, disciplinary
80 11 investigation, or the renewal of licensure, certification or
80 12 registration, or disciplinary proceedings of health care
80 13 professionals.

80 14 Sec. 168. Section 235B.16, subsection 5, paragraph a, Code
80 15 2007, is amended to read as follows:

80 16 a. For the purposes of this subsection, "licensing board"
80 17 means ~~an examining~~ a board designated in section 147.13, the
80 18 board of educational examiners created in section 272.2, or a
80 19 licensing board as defined in section 272C.1.

80 20 Sec. 169. Section 235B.16, subsection 5, paragraph d,
80 21 subparagraph (1), Code 2007, is amended to read as follows:

80 22 (1) A continuing education program required under chapter
80 23 272C and approved by the appropriate licensing ~~or examining~~
80 24 board.

80 25 Sec. 170. Section 235B.16, subsection 5, paragraph e, Code
80 26 2007, is amended to read as follows:

80 27 e. A person required to complete both child abuse and
80 28 dependent adult abuse mandatory reporter training may complete
80 29 the training through a program which combines child abuse and
80 30 dependent adult abuse curricula and thereby meet the training
80 31 requirements of both this subsection and section 232.69

80 32 simultaneously. A person who is a mandatory reporter for both
80 33 child abuse and dependent adult abuse may satisfy the combined
80 34 training requirements of this subsection and section 232.69
80 35 through completion of a two-hour training program, if the
81 1 training program curriculum is approved by the appropriate
81 2 licensing ~~or examining~~ board or the abuse education review
81 3 panel established by the director of public health pursuant to
81 4 section 135.11.

81 5 Sec. 171. Section 272C.1, subsection 6, Code 2007, is
81 6 amended to read as follows:

81 7 6. "Licensing board" or "board" includes the following

81 8 boards:

81 9 a. The state board of engineering and land surveying
81 10 examiners, created pursuant to chapter 542B.

81 11 b. The board of examiners of shorthand reporters created
81 12 pursuant to article 3 of chapter 602.

81 13 c. The Iowa accountancy examining board, created pursuant
81 14 to chapter 542.

81 15 d. The Iowa real estate commission, created pursuant to
81 16 chapter 543B.

81 17 e. The board of architectural examiners, created pursuant
81 18 to chapter 544A.

81 19 f. The Iowa board of landscape architectural examiners,
81 20 created pursuant to chapter 544B.

81 21 g. The board of ~~barber examiners~~ barbering, created
81 22 pursuant to chapter 147.

81 23 h. The board of chiropractic ~~examiners~~, created pursuant
81 24 to chapter 147.

81 25 i. The board of cosmetology arts and sciences ~~examiners~~,
81 26 created pursuant to chapter 147.

81 27 j. The board of ~~dental examiners~~ dentistry, created
81 28 pursuant to chapter 147.

81 29 k. The board of mortuary science ~~examiners~~, created
81 30 pursuant to chapter 147.

81 31 l. The board of ~~medical examiners~~ medicine, created
81 32 pursuant to chapter 147.

81 33 m. The board of physician ~~assistant examiners~~ assistants,
81 34 created pursuant to chapter 148C.

81 35 n. The board of nursing, created pursuant to chapter 147.

82 1 o. The board of ~~examiners for~~ nursing home administrators,
82 2 created pursuant to chapter 155.

82 3 p. The board of optometry ~~examiners~~, created pursuant to
82 4 chapter 147.

82 5 q. The board of pharmacy ~~examiners~~, created pursuant to
82 6 chapter 147.

82 7 r. The board of physical and occupational therapy
82 8 ~~examiners~~, created pursuant to chapter 147.

82 9 s. The board of podiatry ~~examiners~~, created pursuant to
82 10 chapter 147.

82 11 t. The board of psychology ~~examiners~~, created pursuant to
82 12 chapter 147.

82 13 u. The board of speech pathology and audiology ~~examiners~~,
82 14 created pursuant to chapter 147.

82 15 v. The board ~~for the licensing and regulation~~ of hearing
82 16 aid dispensers, created pursuant to chapter 154A.

82 17 w. The board of veterinary medicine, created pursuant to
82 18 chapter 169.

82 19 x. The director of the department of natural resources in
82 20 certifying water treatment operators as provided in sections
82 21 455B.211 through 455B.224.

82 22 y. Any professional or occupational licensing board
82 23 created after January 1, 1978.

82 24 z. The ~~state~~ board of respiratory care in licensing
82 25 respiratory care practitioners pursuant to chapter 152B.

82 26 aa. The board of ~~examiners for~~ athletic training in
82 27 licensing athletic trainers pursuant to chapter 152D.

82 28 ab. The board of ~~examiners for~~ massage therapy in
82 29 licensing massage therapists pursuant to chapter 152C.

82 30 ac. The board of ~~interpreter for the hearing impaired~~
82 31 ~~examiners sign language interpreters and transliterators~~,
82 32 created pursuant to chapter 154E.

82 33 ad. The director of public health in certifying emergency
82 34 medical care providers and emergency medical care services
82 35 pursuant to chapter 147A.

83 1 Sec. 172. Section 272C.2, subsections 4 and 5, Code 2007,
83 2 are amended to read as follows:

83 3 4. A person licensed to practice an occupation or
83 4 profession in this state shall be deemed to have complied with
83 5 the continuing education requirements of this state during
83 6 periods that the person serves honorably on active duty in the
83 7 military services, or for periods that the person is a
83 8 resident of another state or district having a continuing
83 9 education requirement for the occupation or profession and
83 10 meets all requirements of that state or district for practice
83 11 therein, or for periods that the person is a government
83 12 employee working in the person's licensed specialty and
83 13 assigned to duty outside of the United States, or for other
83 14 periods of active practice and absence from the state approved
83 15 by the appropriate licensing board of examiners.

83 16 5. A person licensed to sell real estate in this state
83 17 shall be deemed to have complied with the continuing education
83 18 requirements of this state during periods that the person

83 19 serves honorably on active duty in the military services, or
83 20 for periods that the person is a resident of another state or
83 21 district having a continuing education requirement for the
83 22 occupation or profession and meets all requirements of that
83 23 state or district for practice therein, if the state or
83 24 district accords the same privilege to Iowa residents, or for
83 25 periods that the person is a government employee working in
83 26 the person's licensed specialty and assigned to duty outside
83 27 of the United States, or for other periods of active practice
83 28 and absence from the state approved by the appropriate
83 29 ~~licensing board of examiners.~~

83 30 Sec. 173. Section 272C.2A, Code 2007, is amended to read
83 31 as follows:

83 32 272C.2A CONTINUING EDUCATION MINIMUM REQUIREMENTS ==
83 33 BARBERING AND COSMETOLOGY ARTS AND SCIENCES.

83 34 The board of ~~barber examiners~~ barbering and the board of
83 35 cosmetology arts and sciences ~~examiners~~, created pursuant to
84 1 chapter 147, shall each require, as a condition of license
84 2 renewal, a minimum of six hours of continuing education in the
84 3 two years immediately prior to a licensee's license renewal.
84 4 The board of cosmetology arts and sciences ~~examiners~~ may
84 5 notify cosmetology arts and sciences licensees on a quarterly
84 6 basis regarding continuing education opportunities.

84 7 Sec. 174. Section 321J.2, subsection 7, paragraph a, Code
84 8 2007, is amended to read as follows:

84 9 a. This section does not apply to a person operating a
84 10 motor vehicle while under the influence of a drug if the
84 11 substance was prescribed for the person and was taken under
84 12 the prescription and in accordance with the directions of a
84 13 medical practitioner as defined in chapter 155A or if the
84 14 substance was dispensed by a pharmacist without a prescription
84 15 pursuant to the rules of the board of pharmacy ~~examiners~~, if
84 16 there is no evidence of the consumption of alcohol and the
84 17 medical practitioner or pharmacist had not directed the person
84 18 to refrain from operating a motor vehicle.

84 19 Sec. 175. Section 331.756, subsection 40, Code 2007, is
84 20 amended to read as follows:

84 21 40. Prosecute violations of the Iowa drug, device, and
84 22 cosmetic Act as requested by the board of pharmacy ~~examiners~~
84 23 as provided in section 126.7.

84 24 Sec. 176. Section 462A.14, subsection 7, paragraph a, Code
84 25 2007, is amended to read as follows:

84 26 a. This section does not apply to a person operating a
84 27 motorboat or sailboat while under the influence of a drug if
84 28 the substance was prescribed for the person and was taken
84 29 under the prescription and in accordance with the directions
84 30 of a medical practitioner as defined in chapter 155A or if the
84 31 substance was dispensed by a pharmacist without a prescription
84 32 pursuant to the rules of the board of pharmacy ~~examiners~~, if
84 33 there is no evidence of the consumption of alcohol and the
84 34 medical practitioner or pharmacist had not directed the person
84 35 to refrain from operating a motor vehicle, or motorboat or
85 1 sailboat.

85 2 Sec. 177. Section 514F.1, Code 2007, is amended to read as
85 3 follows:

85 4 514F.1 UTILIZATION AND COST CONTROL REVIEW COMMITTEES.

85 5 The licensing boards of ~~examiners~~ under chapters 148, 149,
85 6 150, 150A, 151, and 152 shall establish utilization and cost
85 7 control review committees of licensees under the respective
85 8 chapters, selected from licensees who have practiced in Iowa
85 9 for at least the previous five years, or shall accredit and
85 10 designate other utilization and cost control organizations as
85 11 utilization and cost control committees under this section,
85 12 for the purposes of utilization review of the appropriateness
85 13 of levels of treatment and of giving opinions as to the
85 14 reasonableness of charges for diagnostic or treatment services
85 15 of licensees. Persons governed by the various chapters of
85 16 Title XIII, subtitle 1, of the Code and self-insurers for
85 17 health care benefits to employees may utilize the services of
85 18 the utilization and cost control review committees upon the
85 19 payment of a reasonable fee for the services, to be determined
85 20 by the respective boards of ~~examiners~~. The respective boards
85 21 of ~~examiners~~ under chapters 148, 149, 150, 150A, 151, and 152
85 22 shall adopt rules necessary and proper for the implementation
85 23 administration of this section pursuant to chapter 17A. It is
85 24 the intent of this general assembly that conduct of the
85 25 utilization and cost control review committees authorized
85 26 under this section shall be exempt from challenge under
85 27 federal or state antitrust laws or other similar laws in
85 28 regulation of trade or commerce.

85 29 Sec. 178. Section 523A.813, Code 2007, is amended to read

85 30 as follows:
85 31 523A.813 LICENSE REVOCATION == RECOMMENDATION BY
85 32 COMMISSIONER TO BOARD OF MORTUARY SCIENCE ~~EXAMINERS~~.
85 33 Upon a determination by the commissioner that grounds exist
85 34 for an administrative license revocation or suspension action
85 35 by the board of mortuary science ~~examiners~~ under chapter 156,
86 1 the commissioner may forward to the board the grounds for the
86 2 determination, including all evidence in the possession of the
86 3 commissioner, so that the board may proceed with the matter as
86 4 deemed appropriate.

86 5 Sec. 179. Section 622.10, subsection 5, Code 2007, is
86 6 amended to read as follows:

86 7 5. For the purposes of this section, "mental health
86 8 professional" means a psychologist licensed under chapter
86 9 154B, a registered nurse licensed under chapter 152, a social
86 10 worker licensed under chapter 154C, a marital and family
86 11 therapist licensed under chapter 154D, a mental health
86 12 counselor licensed under chapter 154D, or an individual
86 13 holding at least a master's degree in a related field as
86 14 deemed appropriate by the board of behavioral science
86 15 ~~examiners~~.

86 16 Sec. 180. Section 622.31, Code 2007, is amended to read as
86 17 follows:

86 18 622.31 EVIDENCE OF REGRET OR SORROW.

86 19 In any civil action for professional negligence, personal
86 20 injury, or wrongful death or in any arbitration proceeding for
86 21 professional negligence, personal injury, or wrongful death
86 22 against a person in a profession represented by the ~~examining~~
86 23 boards listed in section 272C.1 and any other licensed
86 24 profession recognized in this state, a hospital licensed
86 25 pursuant to chapter 135B, or a health care facility licensed
86 26 pursuant to chapter 135C, based upon the alleged negligence in
86 27 the practice of that profession or occupation, that portion of
86 28 a statement, affirmation, gesture, or conduct expressing
86 29 sorrow, sympathy, commiseration, condolence, compassion, or a
86 30 general sense of benevolence that was made by the person to
86 31 the plaintiff, relative of the plaintiff, or decision maker
86 32 for the plaintiff that relates to the discomfort, pain,
86 33 suffering, injury, or death of the plaintiff as a result of an
86 34 alleged breach of the applicable standard of care is
86 35 inadmissible as evidence. Any response by the plaintiff,
87 1 relative of the plaintiff, or decision maker for the plaintiff
87 2 to such statement, affirmation, gesture, or conduct is
87 3 similarly inadmissible as evidence.

87 4 Sec. 181. Section 707.8A, subsection 7, Code 2007, is
87 5 amended to read as follows:

87 6 7. a. A licensed physician subject to the authority of
87 7 the ~~state~~ board of ~~medical-examiners~~ medicine who is accused
87 8 of a violation of subsection 2 may seek a hearing before the
87 9 board on whether the physician's conduct was necessary to save
87 10 the life of the mother whose life was endangered by a physical
87 11 disorder, physical illness, or physical injury.

87 12 b. The board's findings concerning the physician's conduct
87 13 are admissible at the criminal trial of the physician. Upon a
87 14 motion of the physician, the court shall delay the beginning
87 15 of the trial for not more than thirty days to permit the
87 16 hearing before the board of ~~medical-examiners~~ medicine to take
87 17 place.

87 18 Sec. 182. Section 714.25, unnumbered paragraph 2, Code
87 19 2007, is amended to read as follows:

87 20 A proprietary school shall, prior to the time a student is
87 21 obligated for payment of any moneys, inform the student, the
87 22 college student aid commission, and in the case of a school
87 23 licensed under section 157.8, the board of cosmetology
87 24 ~~examiners~~ arts and sciences or in the case of a school
87 25 licensed under section 158.7, the board of ~~barber-examiners~~
87 26 barbering, of all of the following:

87 27 Sec. 183. Section 729.6, subsection 1, paragraph e, Code
87 28 2007, is amended to read as follows:

87 29 e. "Licensing agency" means a board, commission,
87 30 committee, council, department, ~~examining board~~, or officer,
87 31 except a judicial officer, in the state, or in a city, county,
87 32 township, or local government, authorized to grant, deny,
87 33 renew, revoke, suspend, annul, withdraw, or amend a license or
87 34 certificate of registration.

87 35 Sec. 184. CODE EDITOR DIRECTIVE. Wherever the term
88 1 "examiners" or "examining board" appears in the Code or in the
88 2 Acts pending codification, in reference to one of the boards
88 3 enumerated in section 147.13, the Code editor is directed to
88 4 change the term to the appropriate board designation as
88 5 enumerated in section 147.13.

88 6 EXPLANATION

88 7 The department of public health contains 23 health-related
88 8 licensing boards. This bill strikes the word "examiners" from
88 9 the name of only these health-related boards, clarifying that
88 10 boards do much more than test applicants for licensure. The
88 11 bill also renames the secretary of the pharmacy board as the
88 12 executive director. Conforming amendments are included in
88 13 numerous chapters throughout the Code.
88 14 LSB 1207HV 82
88 15 jr:rj/je/5.1